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ALL SAINTS CHURCH, BURYTHORPE ARCHAEOLOGICAL EXCAVATIONS 1995

By M. R. Stephens

with contributions by J. Carrott, H. Cool, J. Evans, A. Finney, S. Garside-Neville,
P. Makey, T. G. Manby and P. Ware

Archaeological investigations in advance of an extension of Burythorpe Churchyard and associated tree-planting revealed features demonstrating occupation from the late Iron Age, or early Roman period to the fourth century AD. The later Roman occupation incorporated structures with stone slab floors and, in a subsequent phase with stone-built walls. It is suggested that in the latest phase the site might represent a possible villa. The finds assemblage incorporates later Neolithic and Bronze Age lithics, late Iron Age and Roman ceramics, as well as Roman-period slag, tile and a possible tesserae.

INTRODUCTION

Archaeological excavations were undertaken by MAP Archaeological Consultancy Ltd in 1995 on agricultural land to the east and south-east of All Saints Church, Burythorpe, North Yorkshire (SE 7895 6501 - Fig. 1), in advance of an extension to the church graveyard and tree-planting.

All Saints Church is situated approximately 300 m to the west of the present village and within an area formerly known as The Park, which was associated with Burythorpe House. The church stands in isolation in an elevated position (at around 85 m A.O.D.), some 14 m higher than the village. The present church was built in 1858, but a print shows its forerunner to be a simple structure with fourteenth-century details to the windows and substantial buttresses on the western gable end.

Attention was drawn to the site by Burythorpe residents Messrs. Smithson and Francis, who were concerned that possible archaeological remains could be destroyed by the extension to the graveyard and the proposed tree planting. The graveyard extension was given planning permission without any archaeological constraint due to there being insufficient information within the North Yorkshire Sites and Monument Record concerning archaeological remains in the vicinity of Burythorpe church to justify the imposition of any controls.

A rapid surface appraisal of the site located a sufficient quantity of Romano-British pottery and struck flint to lead to an evaluation being carried out privately by MAP, with the support of Schenactady-Europe, who supplied the plant. Three trenches were excavated, which clearly showed the presence of cut features of Iron Age and Romano-British date. On the strength of this evidence English Heritage were approached for funding for an open-area excavation, and a grant was provided for that purpose.

The site itself stands on soils of the Rivington 1 Association with an underlying geology of Carboniferous and Jurassic sandstone (Mackney *et al* 1983).



Fig 1. Site location.

HISTORICAL AND ARCHAEOLOGICAL BACKGROUND

The village of Burythorpe is recorded in Domesday as *Berguetorpe* or *Bergetor*. The most likely meaning of the name is 'hill village' (Smith 1937). In 1086 the Domesday survey recorded that two carucates of land were owned by the King, three carucates by Berenger de

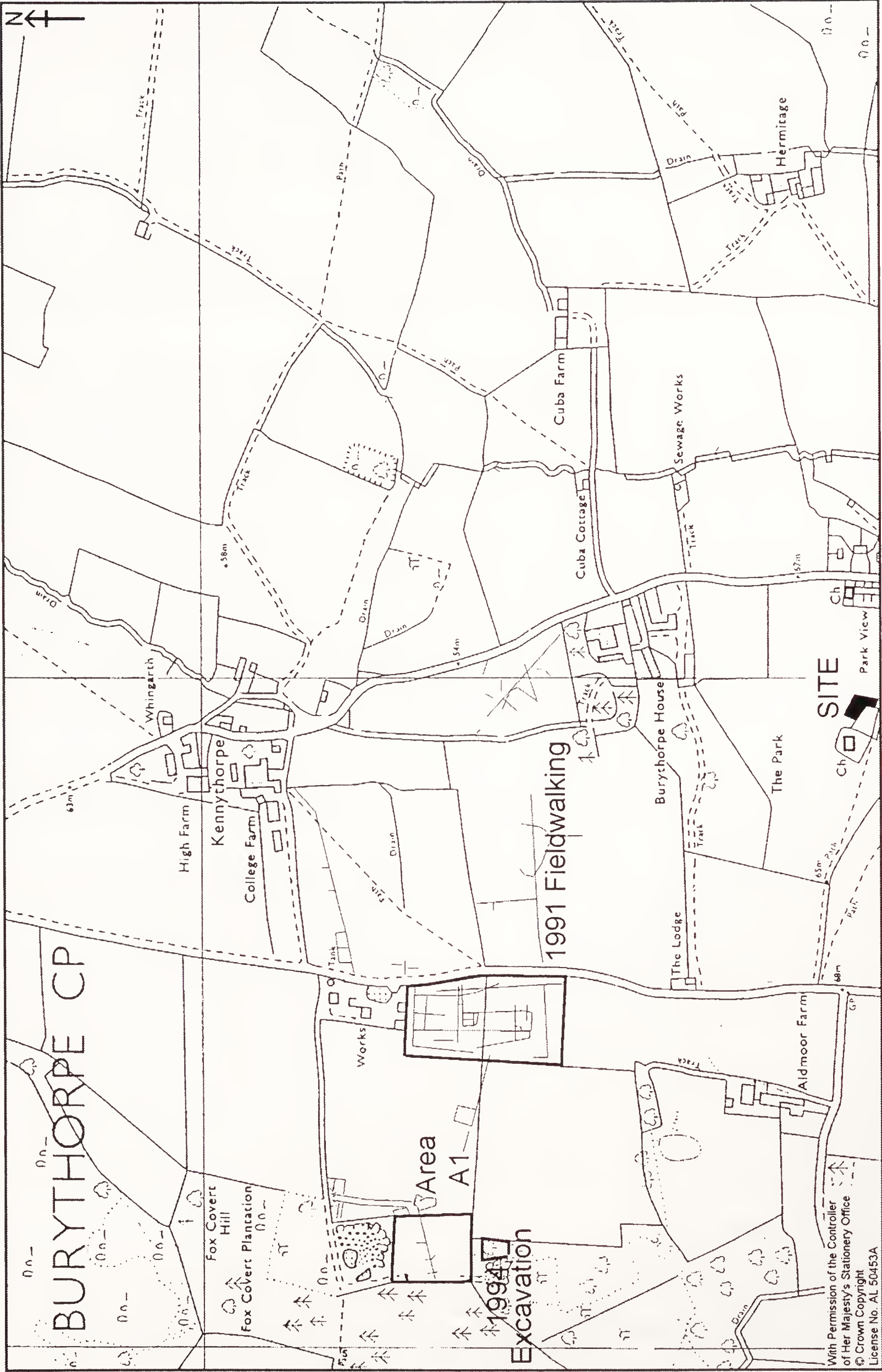


Fig 2. Interventions in the Burythorpe area.

Tosny and another three by Robert de Brus. Between 1180 and 1190 the church at Burythorpe, along with one bovate of land and all rights of patronage was gifted by Geoffrey Nobil of Burythorpe to Kirkham Abbey. In 1246 the first rector of Burythorpe church is recorded as Robert de Kirkham.

There is a reference in the history of the life of William Peckitt, a glass painter, to a severe fire at Burythorpe c. 1630, which has led to the suggestion that the village was subsequently re-located away from the church to its present position.

Current records show no crop or soil marks within the immediate area of the site. The nearest concentration is c. 500m to the north-west, with the villa complex (SAM NY1094 - Fig. 2) to the south of Kennythorpe sandworks and the settlement further to the west (Finney 1989).

Fieldwalking over the villa complex in 1990/1 produced pottery of prehistoric to post-medieval date (MAP 1991a). The earliest material was from the Late Bronze/Early Iron Age, with a sizeable assemblage of flint tools and debitage. Roman pottery ranged in date from the late first century to the fourth century AD; apart from seven samian and twenty-one Black Burnished sherds it was of local manufacture, and mainly of Norton and Crambeck Wares.

In 1990 excavations on land to the west of Kennythorpe sandworks (SE 78220 6565- Site AI - Fig. 3) located and sampled a complete enclosure, plus parts of three others, a number of boundary ditches and three pit complexes (MAP 1990). Excavation indicated that this particular site at the foot of the Wolds was intensively occupied during the mid-late Bronze Age, with the largest domestic assemblage of Beaker pottery to come from a domestic context in Eastern Yorkshire showing occupation in the early Bronze Age. A geophysical survey (Payne 1991) revealed further enclosures and trackways between the sand quarry and the villa complex.

In 1994 further sample excavation was undertaken at the sand quarry (Fig. 2), revealing pits which yielded charcoal, carbonised grain, burnt bone and a Late Bronze Age pottery assemblage in three different fabric types (Manby 1994).

These sites indicate that a rich archaeological landscape exists in the vicinity of Burythorpe church, with sites dating from the prehistoric into the Roman period. This potential led to the appraisal and evaluation excavation of the church site in February 1995 (Fig. 4).

In evaluation Trench 1 intercutting features were revealed, the latest of which (context 7) was c. 0.5 m square and lined with vertical stones. Within the fill (context 3) was a complete pottery vessel (context 4), which along with other sherds indicated a Romano-British date. The greater part of Trench 2 was taken up by a large feature aligned east to west (context 17), which contained calcite-gritted sherds. Within Trench 3 were two linear features (contexts 12 and 14) on a rough north to south alignment, the westernmost of which (context 12) was c. 3.5 m wide, suggesting that it was either a broad ditch or a trackway. Context 14 was c. 2m wide ditch. The eastern part of the trench also had the indications of a ditch (context 15).

AIMS AND OBJECTIVES

The evaluation of the site had thus located features of the Romano-British period, with a suggestion of earlier activity. The threat to the archaeological remains could only be resolved by rapid 'rescue' excavation as planning permission had already been granted for the

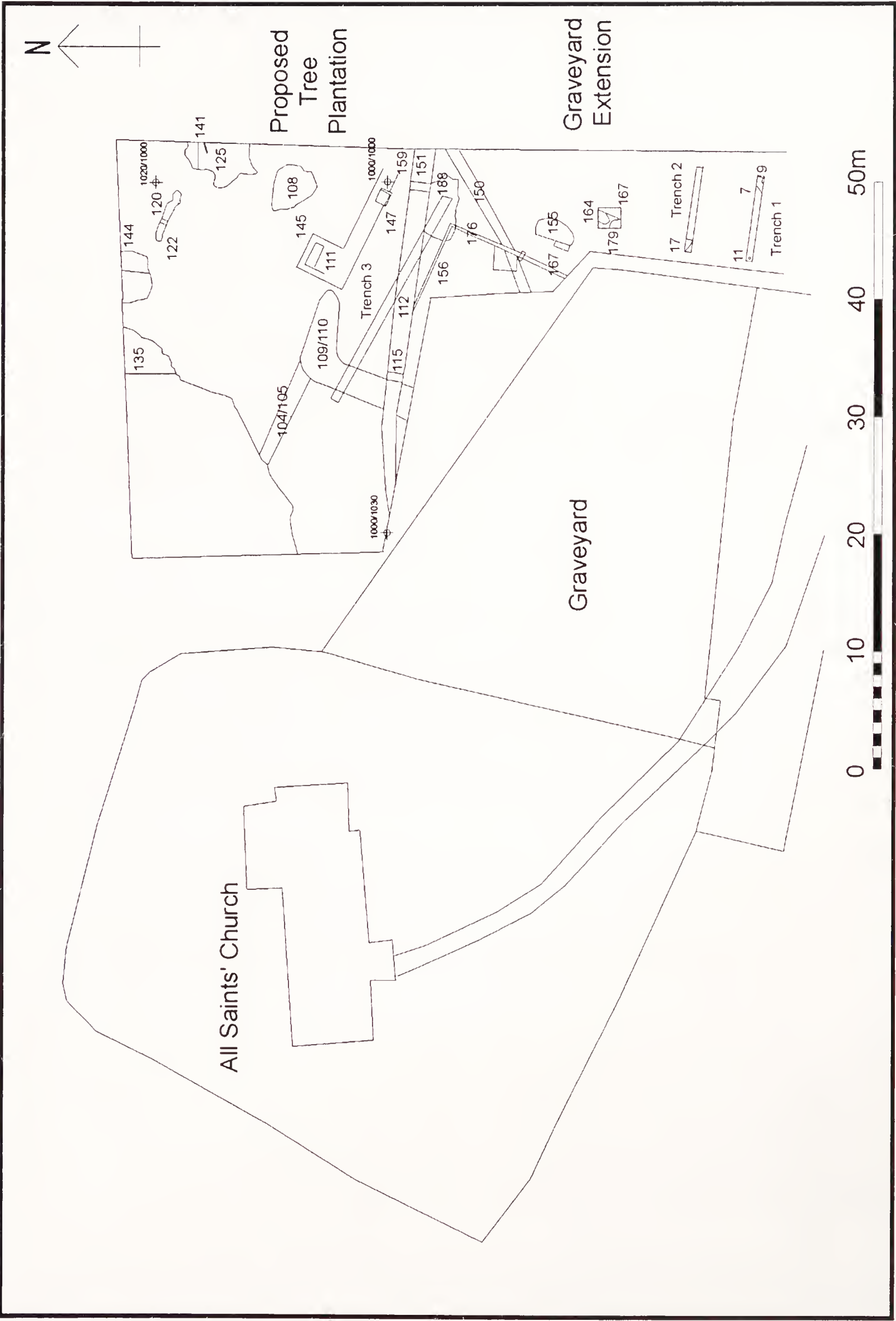


Fig 3. Overall site plan.

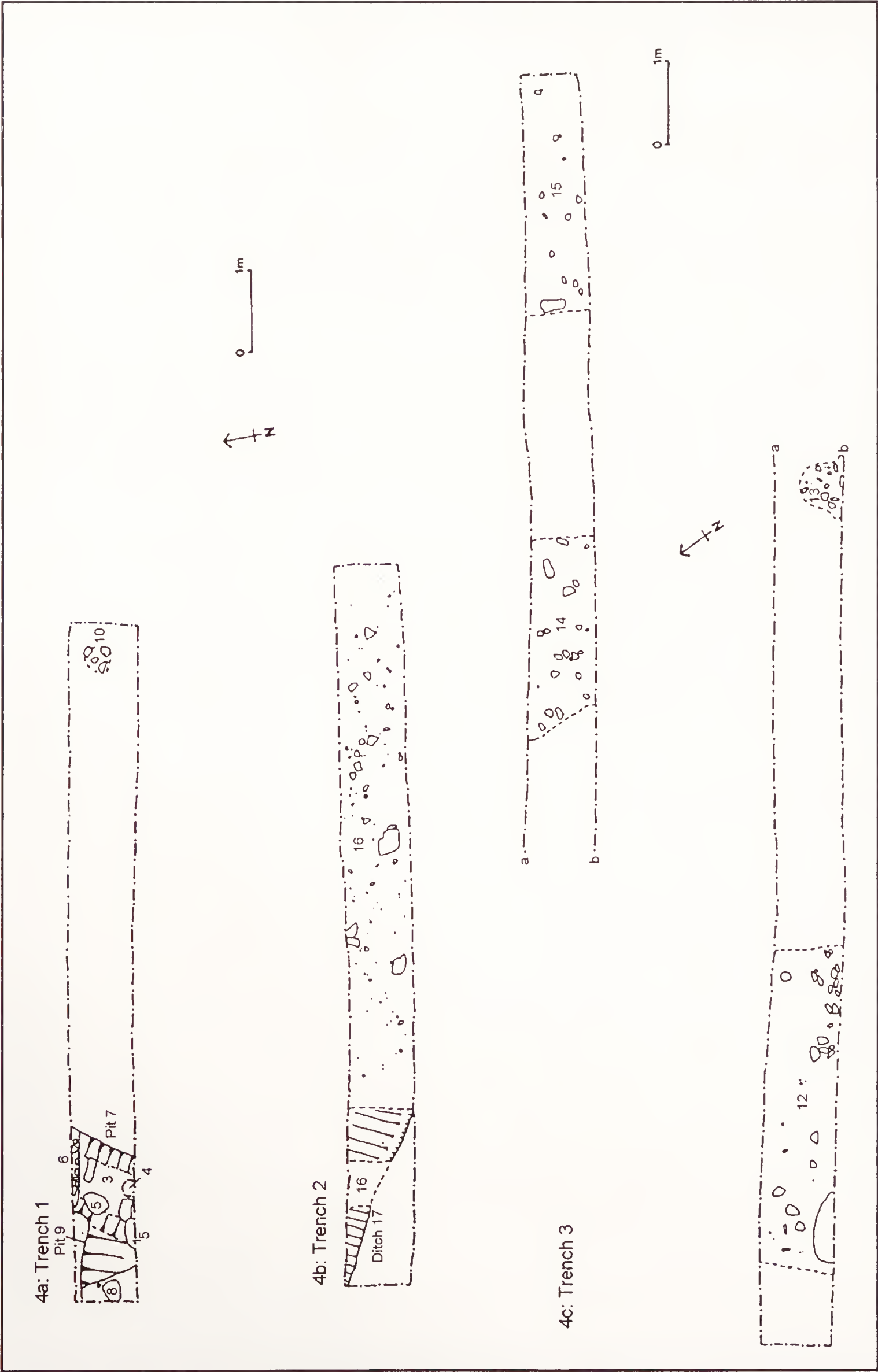


Fig. 4. Plans of the trial trenches.

extension to the graveyard. The excavation was seen as an opportunity to define the nature of activity at the site and to record the processes of change from the Iron Age to the Roman period. With these objectives in mind excavation commenced in April 1995.

EXCAVATION METHODS

Topsoil was removed by a 360° excavator using a broad toothless blade under close archaeological supervision. Excavation was thereafter by hand. The deposits were recorded by individual context, and a full series of drawn plans and sections was compiled along with a photographic record in monochrome and colour.

EXCAVATION RESULTS (Fig. 5)

The site was covered by a deposit of modern ploughsoil, which contained a flint side scraper (SF 1) and a ceramic spindle-whorl (SF 2).

The removal of the modern ploughsoil revealed a number of features of varying form and date. In the west of the site a number of slab surfaces with associated features were identified. A large negative feature, probably a quarry (context 144), was present at the north-west of the site, with further negative features to the south-west.

PHASE 1

Ditch 105

Ditch 105 was the earliest of the excavated features, running across the central area of the site, with another ditch (context 12 from the evaluation) running southwards from it at right-angles (Fig. 6). A segment excavated to examine the junction of the two ditches showed them to be contemporary, and to have contiguous fills. The basal fill was a thick deposit of sandy silt (context 134), with subsequent, more stony fills (contexts 126 and 117 – the latter containing a flint scraper) having apparently entered the ditch from the eastern side; these may represent bank material. Context 116 filled the top of the ditch on its western and northern sides.

Pottery recovered from the fills consisted of calcite-gritted ware, and Norton and Crambeck greywares, suggesting the ditches had a late Iron Age to third-century AD date.

A possible recut (context 110 - Fig. 6) cut into context 116, entering from the south before turning at right-angles and running eastwards along the top of Ditch 105.

Structures 1-4

Phasing of these structures is hampered by the lack of stratigraphy between the separate structural elements; this was a particular difficulty when considering the relationship between the two slab surfaces (contexts 188 and 155), which formed Structures 1 and 2 (designated Phase 2). These surfaces have been included under the same activity phase due to their similarity of form. Surface 188 was the earliest structure excavated at the site as it was cut through by a later linear feature (context 186), which itself was overlain by the wall of a later building (Structure 3 - context 189).

A cleaning spit (context 106) excavated over this part of the site contained a seventh- or eighth-century copper-alloy pin with a zoomorphic head (SF 23 – Fig. 16.2), and a flint knife fragment, along with samian, and Norton and Crambeck greyware sherds.

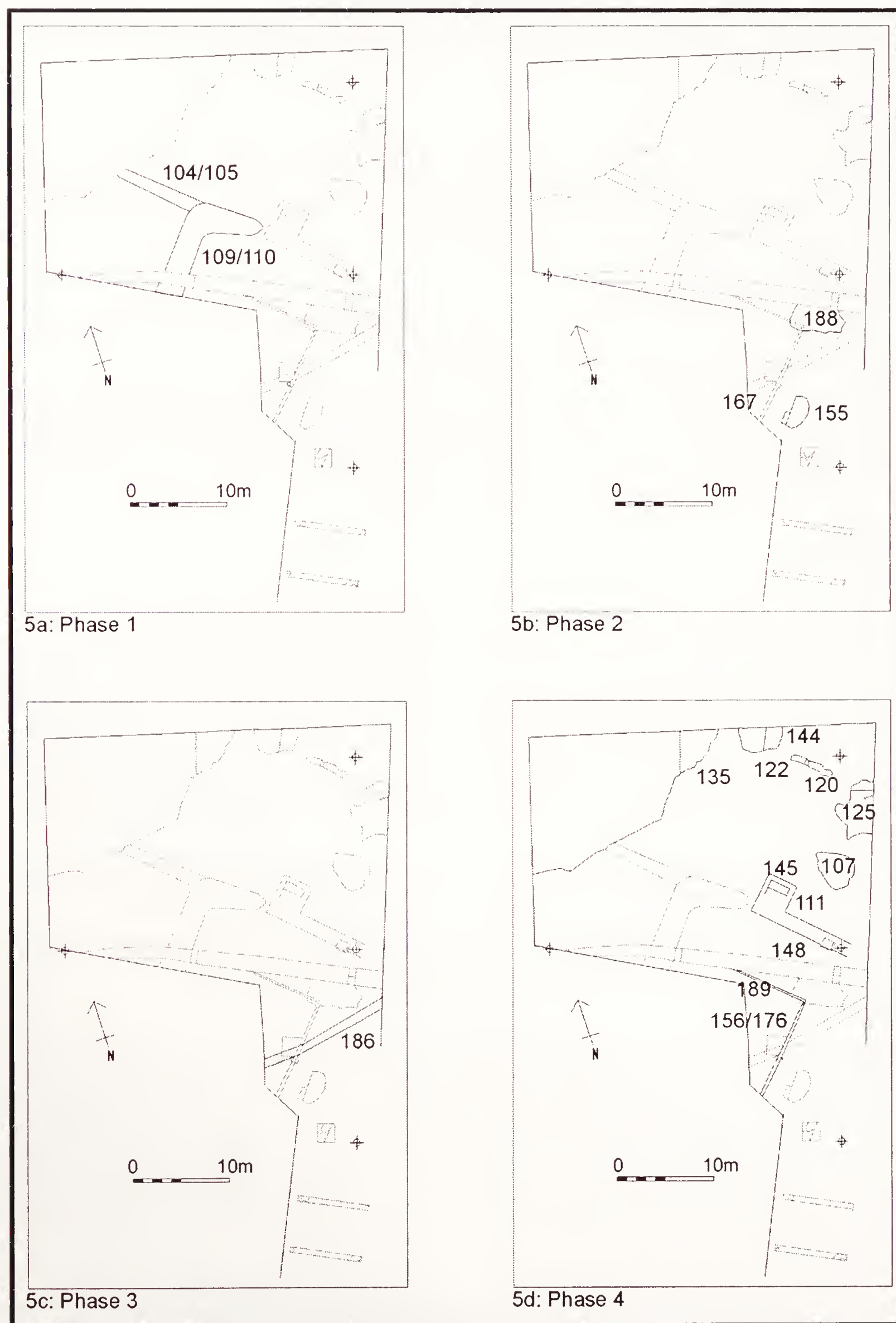


Fig. 5. Phase plans.

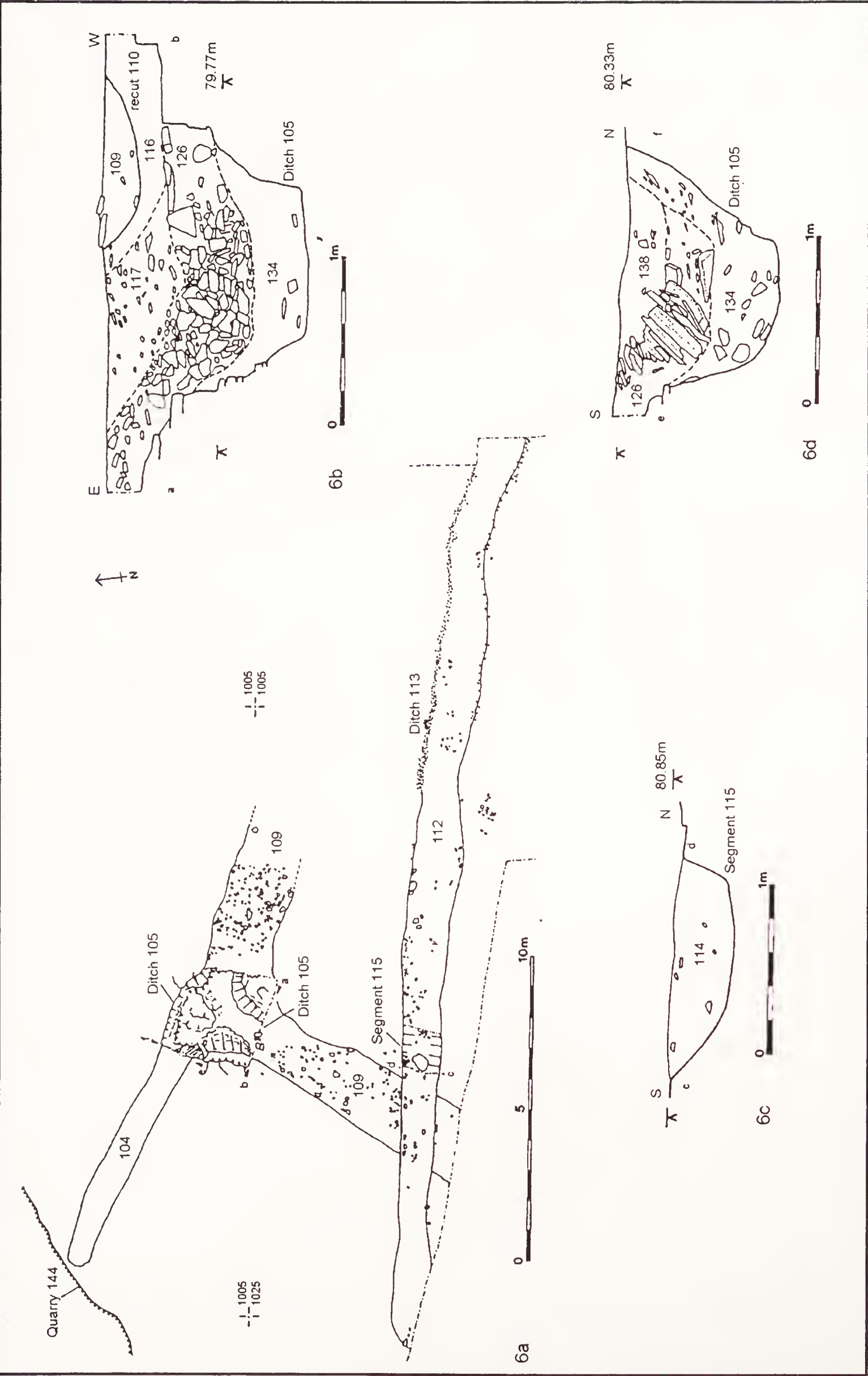


Fig. 6. Plan and sections of ditch 105.

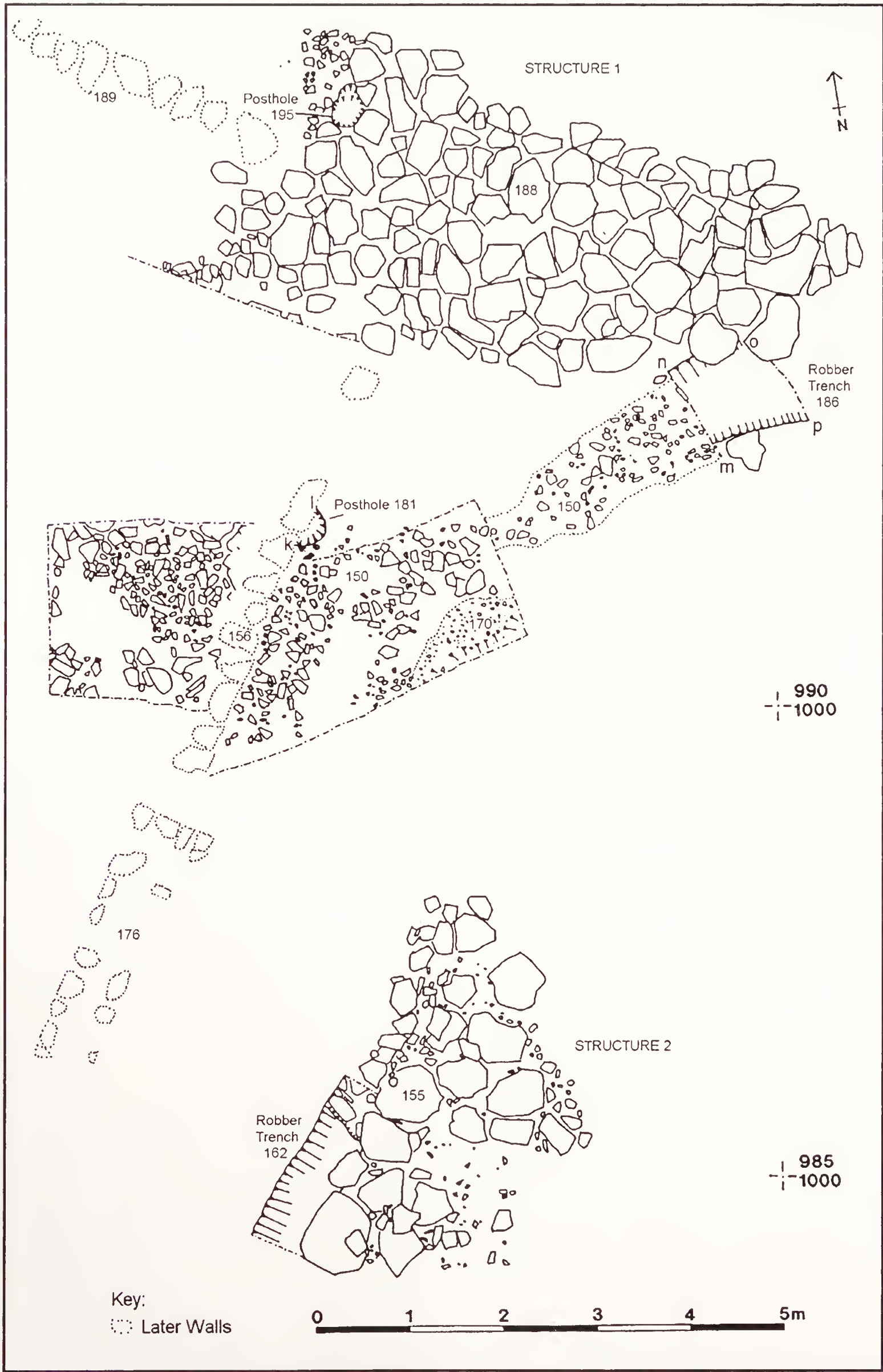


Fig. 7. Plan of Structures 1 and 2.

PHASE 2

Structure 1

Structure 1 consisted of irregular, flat, fine-grained limestone slabs, which were keyed together to form a roughly flat and continuous surface (context 188 - Fig. 7) measuring 3.5 m north to south and 7 m east to west. The slabs were generally around 0.5 m in size, though the largest was 0.96 m, and the smallest 0.16 m in length.

Structure 2

Structure 2 was represented by another slab surface (context 155 - Fig. 7), and was situated 6 m to the south of Structure 1. It measured at least 4.4 m north to south and 2.2 m east to west. The western edge of the slabs was parallel to wall 176/156, and it was bounded by a linear cut (context 162 - Figs. 7 and 8). Excavation of this showed it to have vertical edges with a fill of stony, silty sand (context 154). This feature was probably a robbing trench - the irregular, undulating base and edges were suggestive of a feature from which stone had been dug out, and the fill did not include any stone of useable size. It would therefore seem that the slab surface would represent the internal floor of a building whose walls had been robbed. The date for this 'robber trench' was probably third century, indicated by the presence of Norton greyware sherds. There was also a Dressel 20 amphora sherd complete with graffito (Fig.16.7).

A number of deposits (contexts 167, 182, 170 and 199) and a posthole (context 181 - Figs. 7 and 8) were identified at the same horizon as the two slab surfaces. Contexts 167 and 182 were 2-3m south of Structure 1 and were silty sands with associated fourth-century Crambeck greyware sherds. Context 199, located immediately west of Structure 1 was a silty sand with patches of clay and ash. These deposits had the appearance of 'occupation' material, though it is unclear to what extent they were directly associated with Structures 1 and 2. Context 170 (Fig. 7), a hard-packed surface of limestone and sandstone pebbles situated between the two structures was interpreted as an exterior yard surface.

The posthole (context 181 Figs. 7 and 8) was oval in plan and cut into 182, and was clearly earlier than a north to south wall (context 156). There were two depressions in the base, divided by a thin neck, suggesting that this feature had been 'double'. The silty sand fill (context 169) contained a number of calcite-gritted sherds of indeterminate date.

PHASE 3

Surface 188 was cut through at its south-east corner by a slightly sinuous linear feature aligned south-west to north-east (context 186 - Figs. 7 and 8). The fill (context 150), a sandy silt, contained many fragments of jumbled angular limestone, along with amphora, Norton greyware and calcite-gritted sherds, and a headless bone pin or spoon handle (SF 42). The feature continued beneath the later wall (context 156), where the fill was recorded as context 168. Context 171, a rubbly deposit west of wall 156, would appear to have been a continuation of 150.

Cut 186 was interpreted as a robber trench because of its vertical edges and flat base - a ditch would have been of different profile. The fill suggested jumbled debris from wall-robbing rather than the slower, more even in-filling associated with a ditch. The putative wall did not appear to be directly associated with slab surface 155 as the two features were on different alignments. The implication is that there was a separate constructional phase

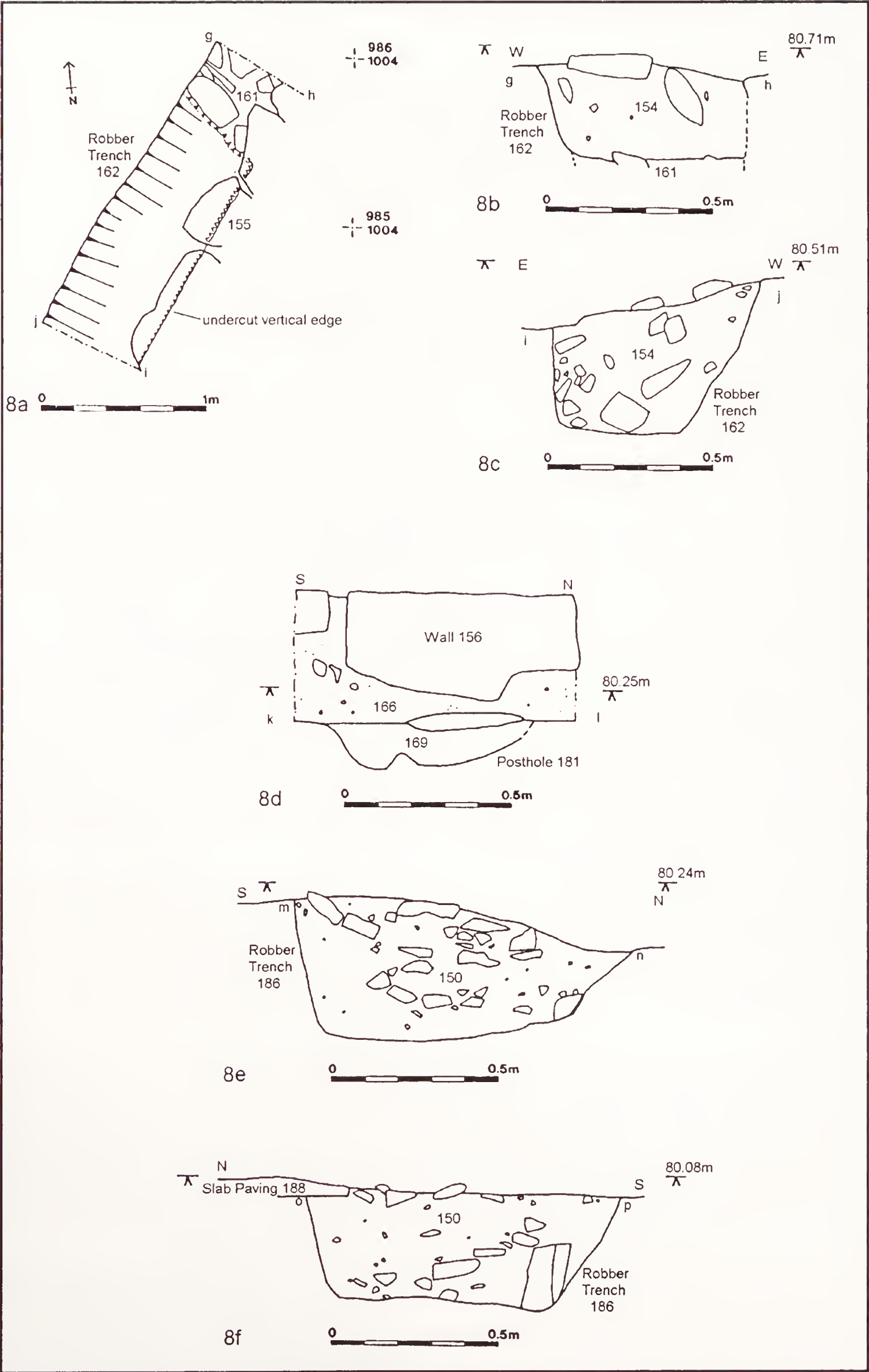


Fig. 8. a-c) Plan and sections of robber trench 162; d) Sections of wall 156 and post-hole 181; e & f) Sections of robber trench 186

between the use of the slab surfaces and the later stone-walled building (Structure 3).

PHASE 4

Structure 3

Structure 3 consisted of walls 156, 176 and 189 (Fig. 9). Wall 156, aligned approximately north to south, consisted of a single course, one block wide, of roughly hewn distinctive greyish green limestone, with the squared face to the east. There was no sign of a construction trench for the wall. To the north, plough damage obscured wall 156's relationship to slab surface 188, but a line of displaced blocks within the plough-disturbed material (context 102) make it almost certain that 156 continued northwards over the slabs to return at 90° as wall 189. Wall 189 was of similar build, and continued c. 5 m westwards to the limit of the excavation, where there were indications that it had begun to return southwards.

The line of wall 156 was continued to the south by wall 176. At 0.75 m, this wall was wider than 156 and consisted of two rough faces of oolitic limestone with an angular limestone core, clearly making the two walls of different construction. A 0.5 m wide gap existed between 156 and 176, terminating in a squared face c. 0.45 m south of the end of wall 156. This could represent a narrow entrance, and the sub-rectangular rebate to the most southerly stone of wall 156 could possibly be the position of a door-post.

Only a relatively small area of the interior of the building was examined. A single floor surface, represented by a 0.03 m deep deposit of fine sandy mortar (context 157 - Fig. 9), was identified; this did not butt up to the western face of wall 156, but left a 0.4 m wide gap. This gap between the mortar and the wall did not represent a foundation or robber trench, as the deposit below (context 165, a rubbly, silty sand) extended underneath the floor up to the wall face. Context 165 can be seen as a bedding-layer for floor 157.

Two postholes (contexts 193 and 195 - Fig. 9) have been assigned to the same period as Structure 3. Posthole 193, situated in the north-west corner of the building, was roughly circular and had an oolitic limestone packing in a matrix of silty sand (context 193). Posthole 195 was oval in plan and cut through surface 188, with a U-shaped profile and a sandy loam fill (context 194).

A whole series of deposits dating later than the use of Structure 3 were identified: contexts 153, 174, 175, 177, 190 and 191 were located within the building, and context 166 outside. All of these deposits are likely to relate to either the demolition or collapse of the structure. Associated pottery – calcite-gritted, Crambeck and Norton greywares – ranged in date from the second to fourth centuries.

Overlying the entire area of Structures 1, 2 and 3 was a mixed rubbly sandy silt (context 102), which represented plough disturbance of the underlying archaeological deposits. Finds from this horizon included a second-century iron spearhead (SF 5 – Fig. 16.1), a rim/body fragment of a late Roman glass bowl (SF 38), a flint flake (SF 1) and a worked bone object (SF 39).

Structure 4

Structure 4 (Fig. 10), located c. 8 m to the north of Structure 3, had been badly plough-truncated, but traces of mortar flooring (context 111) and wall foundations (context 143) remained.

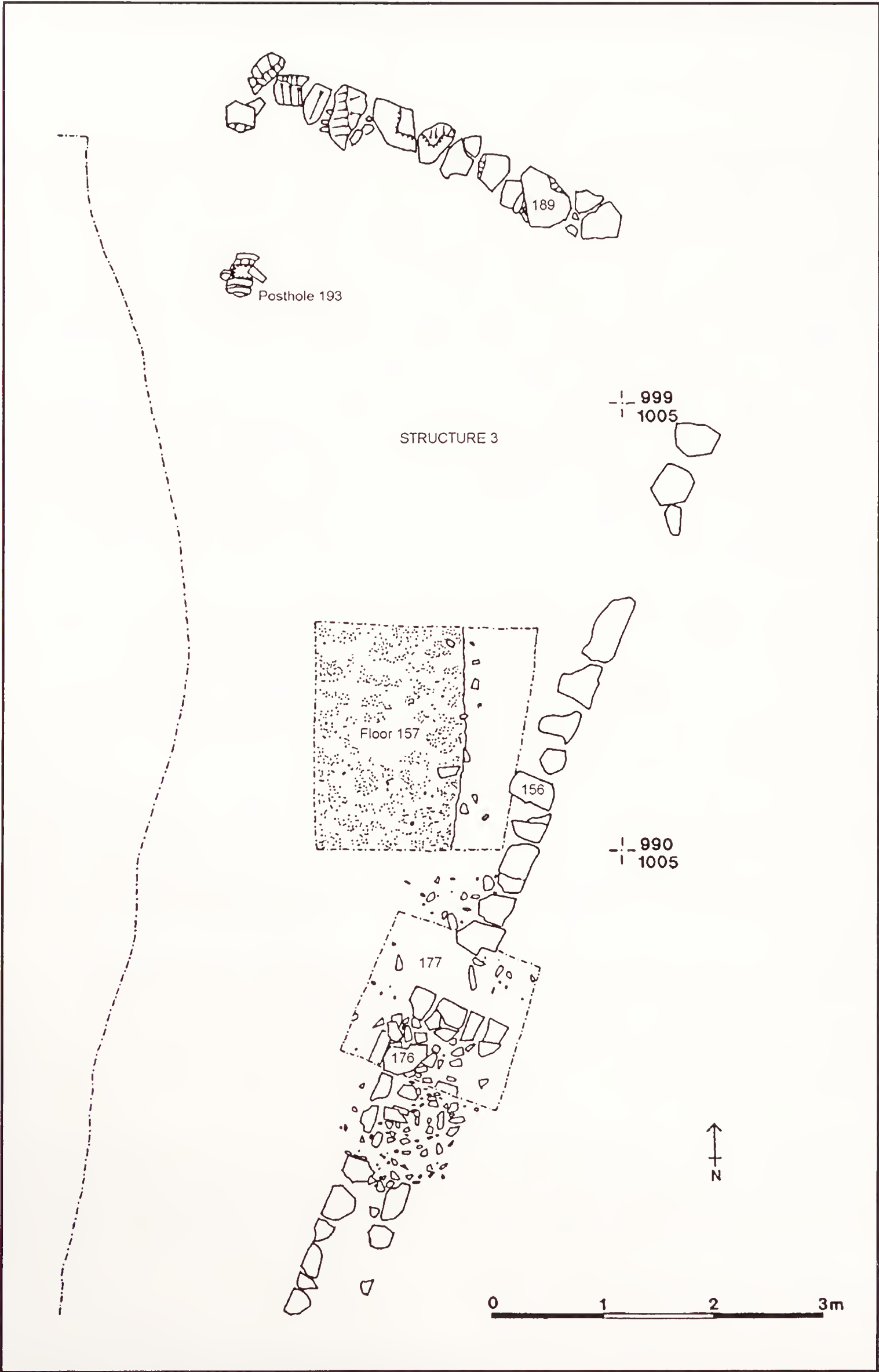


Fig. 9. Plan of Structure 3.

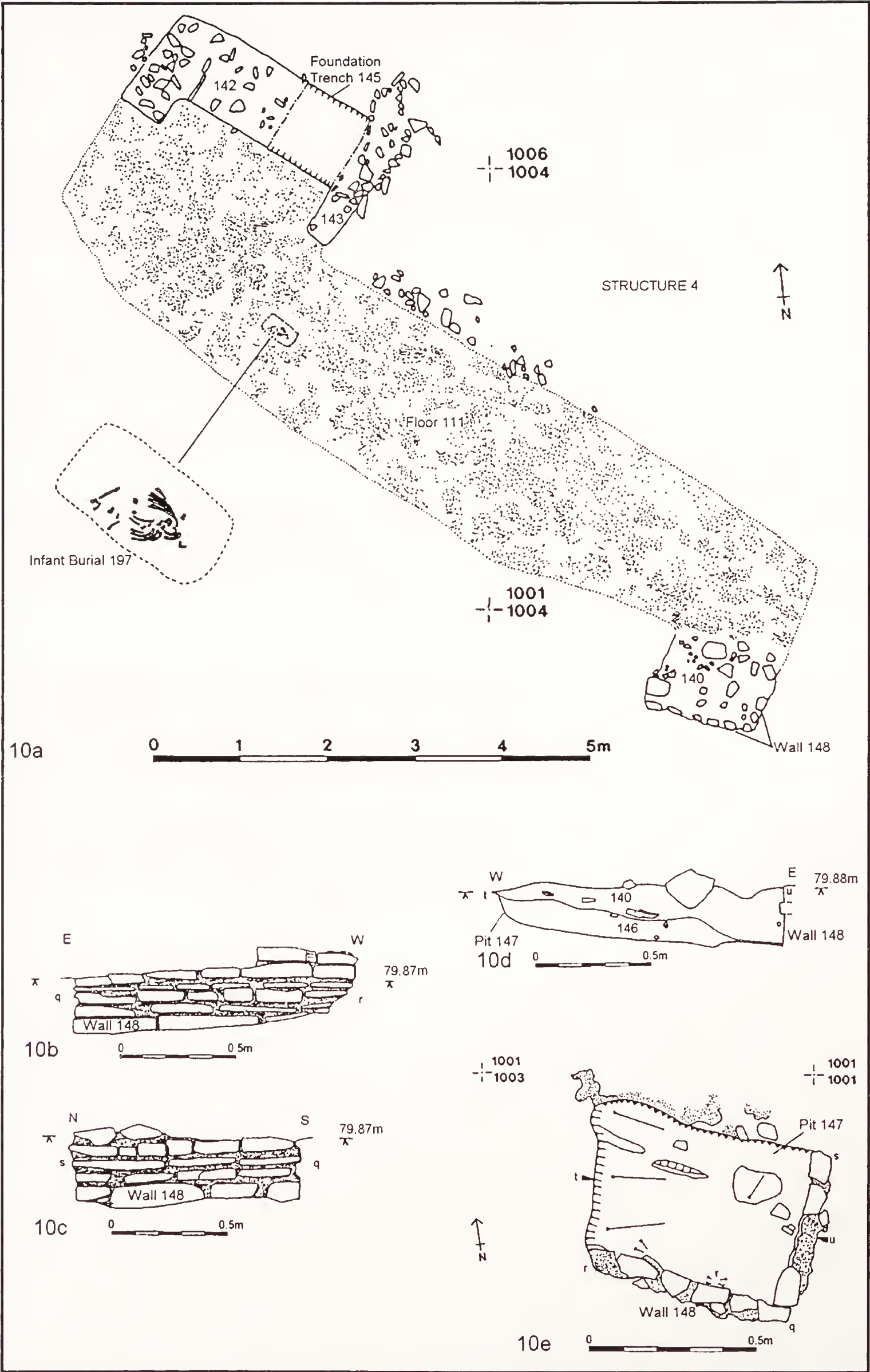


Fig. 10. a) Plan of Structure 4 (with burial 197); b & c) Profiles of wall 148; d & e) Section and plan of pit 147.

The foundations existed in a small area at the north-west end of the mortar flooring. The exact dimensions of the building represented are uncertain due to the fragmentary nature of the remains, but to judge by the remnants of flooring and foundations, it was at least 3 m wide and 9 m in length, aligned north-west to south-east.

The foundations consisted of a single course of angular oolitic limestone blocks (context 143), carefully laid and keyed together, placed in a shallow vertically-edged foundation trench (context 145). A thin deposit of clean, compact clay (context 142) had been laid directly on top of the rubble foundation, presumably to provide a flat surface for the setting of dressed stone walling or a sill beam.

The mortar flooring (context 111 - Fig. 10), a 0.02 m thick deposit of gritty mortar which contained *tegula* and Roman brick fragments, lapped over context 142, and continued south-east from Foundation 143 as a linear band 6 m long and 1.8 m wide; this apparently represents the surviving remains of a formerly much more extensive surface which was preserved where it had sagged in to the top of Ditch 105. Traces of foundation material were also recorded on the northern edge of this mortar floor.

An infant grave (context 197 - Fig. 10) cut into the mortar surface to the south of foundation 143. The skeleton was a neonatal baby, laid on its back, with the head end to the south-east. Only some vertebrae and ribs remained *in situ*, the skull, arms, legs, feet and hands were absent, apparently having been removed by the plough.

Pit 147

A small, rectangular, vertically-side feature with a stone lining, Pit 147 (Fig. 10) was located at the south-eastern end of mortar surface 111. The southern and eastern sides of the pit were walled with flat mortared limestones, which survived to a maximum of five courses in height. The lowest fill of the pit was a yellowish brown sandy silt (context 146), and neither this, the upper fill (context 140) nor the sides of the pit showed any signs of having been subjected to heat. The lack of *in situ* burning discounts the possibility that the pit was a kiln or 'corn-drier'. Along with the mortar surface it was probably related in some way to the largely destroyed building, Structure 4, to the north-west.

Oven 141

A large shallow, irregularly-sided pit (context 125 - Fig. 11) measuring 10 m x 4m x 0.4m was located at the north-eastern part of the site. Located within this feature, context 141 consisted of two roughly-tooled, fire-blackened limestone blocks measuring 0.55 m x 0.2m x 0.2m in size and laid end to end. Two slabs of limestone were set on end at right-angles to each other slightly to the north. Identical pieces and fragments of worked limestone, along with box-flue tile and *imbrex* fragments, occurred within context 127, the fill of the greater part of the pit. This structure represented the demolished remains of an oven or kiln.

A deposit of silty sand with significant amounts of charcoal and ash (context 133) lapped up to both sides of the oven. Further deposits (contexts 124, 133 and 149) were overlain by context 127, which contained animal bone and large quantities of pottery including Norton greyware and a Crambeck painted platter, giving a later fourth-century date.

A slab surface (context 132) overlay the northern margin of context 124, and occupied the area above the demolished oven. The surface consisted of five large slabs (average size 0.70m x 0.60m x 0.10m) plus a number of smaller slabs, together forming an uneven surface.

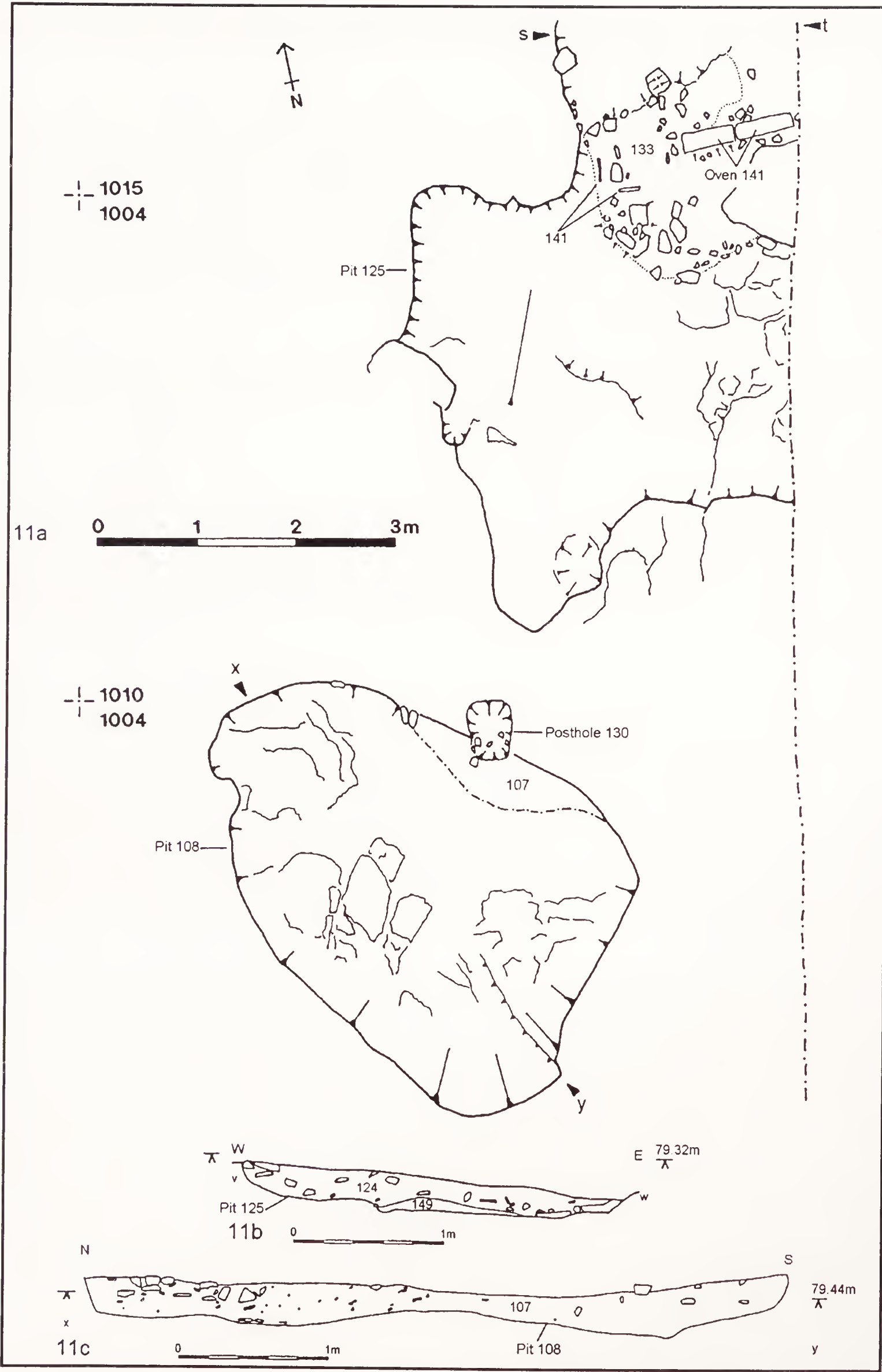


Fig. 11. Plans and sections of pits 125 and 108.

It is uncertain whether this was part of a structure similar to Structures 1 and 2, or if these slabs were intended to cover over the pit.

Pit 108

Pit 108 measured 5m x 3m in size, and was situated c. 2m south of Oven 141. The pit cut into the natural degraded sandstone bedrock to a depth of 0.30m. The fill (context 107) contained animal bone, two flint flakes, Roman brick fragments and later fourth-century calcite-gritted sherds. The function of the pit is uncertain; an initial impression that it was a *Grubenhaus* was not confirmed by the presence of postholes at the centre of its shortest sides, or of stakeholes along the edges, elements that are usually associated with such features. The pit may therefore have been a 'working hollow'.

An oval posthole (context 131 - Fig. 11) was situated on the northern edge of the pit. The distinct clay fill (context 130) contained a number of Dressel 20 amphora and calcite-gritted sherds, along with a flint flake and a core.

Gully 119

This was a short gully situated to the west of oven 141, running for a length of 5 m on an east-south-east to west-north-west alignment (Fig. 12). It was filled by stony, silty sands (contexts 122 and 124), the former containing a cylindrical whetstone (SF 52 - Fig. 17.5), Crambeck greyware sherds and the rim of a blue/green glass bottle of first- to third-century date (SF 51 - Fig. 16. 6).

Quarry 144

Excavation located this substantial feature at the north-west of the site (Fig. 12), but it was only possible to examine a small area, showing it to be at least 1 m deep and over 25 m x 7.5 m in size. The lobed and serrated appearance of the feature's edges suggested a face that had been quarried rather than a naturally weathered surface. Excavation indicated that after the quarry was initially abandoned, it silted up naturally, indicated by contexts 128, 136, 137 and 139. Associated greyware and calcite-gritted pottery gave a third/fourth-century date for the silting process. Context 128 also contained a fragment of Roman brick, and 139 a crested flint flake.

Subsequently, part of the northern lobe of the quarry had a closely-packed limestone gravel surface (context 135 - Fig. 12) laid within it, the rounded appearance of the stones suggesting considerable wear and use. The gravel surface was sealed by deposits 129 and 103 which contained samian, calcite-gritted ware, Norton and Crambeck greywares and Crambeck painted mortaria giving a fourth-century date; context 103 also contained a possible *tessera* fragment along with Roman brick and a *tegula*, and a mid fourth-century coin of Constantius II (SF 20). A deposit of colluvium (context 101) overlay 103, which contained a plain copper alloy ring (SF 18 - Fig. 16.3), and a pewter 'spectacle'-shaped shoe buckle of fifteenth- to sixteenth-century date (SF 27 - Fig. 16.4). Modern topsoil (100) overlay the colluvial deposit, and contained a spindle whorl fashioned from a greyware sherd (SF 1 - Fig. 16.8).

Features 164, 179 and 187

These three intercutting features were revealed in a 2 m square box (Figs. 3 and 13) excavated in the area adjacent to Evaluation Trenches 1 and 2.

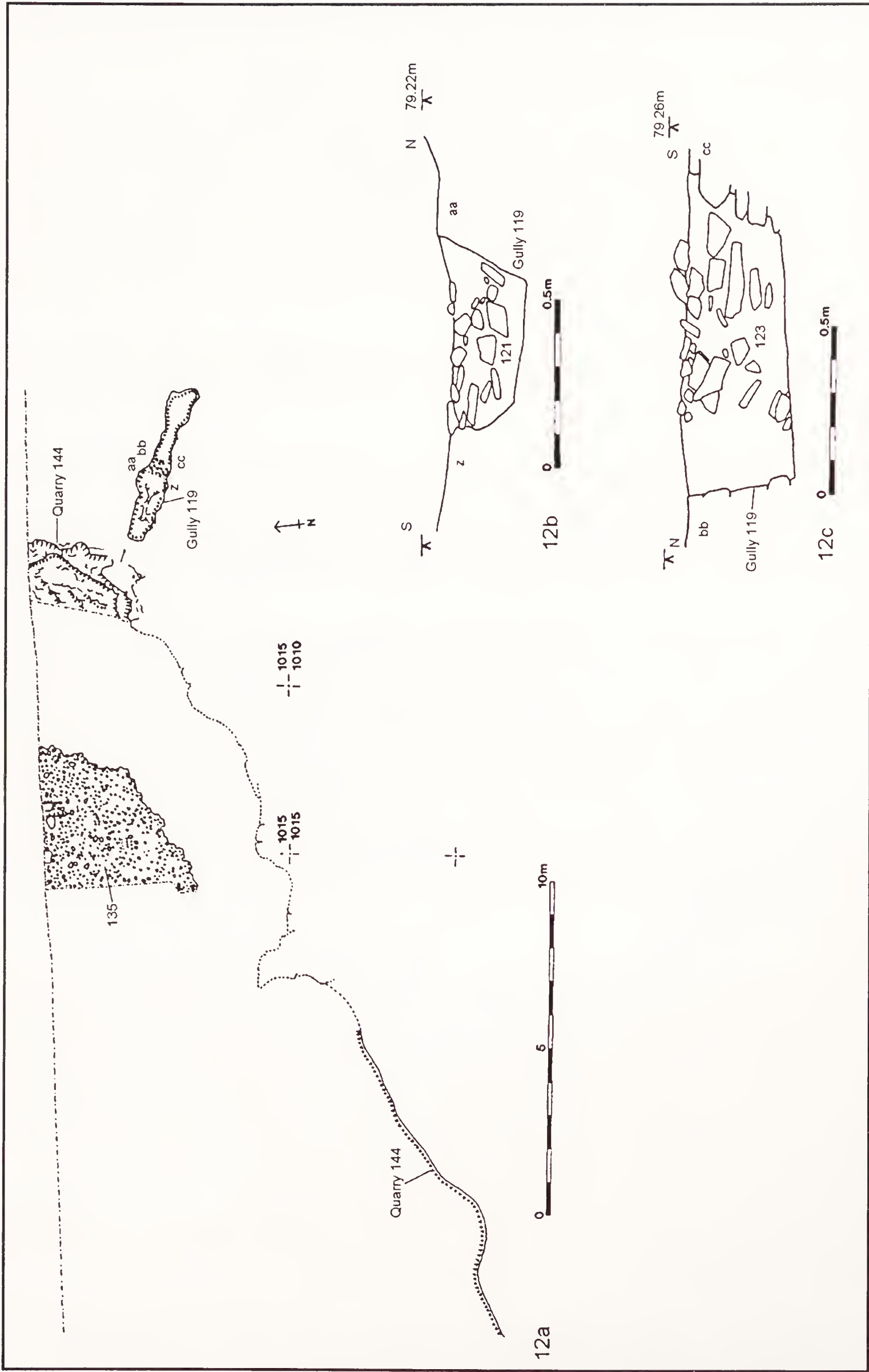


Fig. 12. a) Plan of gully 119, stone surface 135 and quarry 144; b & c) Sections of gully 119.

The earliest feature was context 187, but as only the northern edge was present in the excavated trench its form remains unsure. The fill of 187 (context 180) was cut away by cut 179 to the north-west. This feature had three fills (contexts 172, 173 and 178); Crambeck greyware sherds from context 173 provided a fourth-century date.

Context 164 was a linear feature with a north-west to south-east alignment that cut into the south-eastern part of 187. Vertically-edged the feature had two 0.20 m deep depressions in the base, c. 0.8 m apart. The fill (context 163) around these depressions contained a number of vertical slabs, probably the remains of post-packing. Interpretation is hampered by the small-scale of the excavation here, but given the apparent presence of posts within it, it is likely that this feature was a fence or palisade, dateable to the later fourth century by associated Crambeck greyware and parchment ware sherds.

The upper fills of these features were covered by a 0.2 m deep deposit of dark silty sand (context 152), which contained a Roman slide lock bolt (SF 40), and a flint bladelet and a flint scraper.

Ditch 113

The latest feature encountered on the site was a west to east ditch (cut 113 - Figs. 6 and 13) excavated in two 1 m wide segments (contexts 115 and 159/185).

Cut 115 was excavated near the southern baulk of the excavation, south of the junction in Ditch 105. The fill (context 114) was a silty material containing a number of samian sherds, and a flint scraper.

The southernmost segment of Ditch 113 was located immediately to the north of slab surface 188, and was more complex in that a recut was present. The earliest ditch (context 185 - Fig. 13) had an irregular V-shaped profile, whose silty basal fill (context 184) was overlain by a mottled clay (context 151), which lapped over Surface 188 to the south. The mottled clay deposit was cut away by a ditch (context 159 - Fig. 13) on the same alignment as 185, whose fills (contexts 183 and 158) contained indeterminate calcite-gritted sherds.

The upper fill of Ditch 113 (excavated as contexts 114 and 158) was a distinct dark sandy silt, the humic texture of which suggested that it was a relatively recent feature, perhaps a medieval or post-medieval field ditch.

SUMMARY

The interpretation of the site is hampered by two factors. Firstly, it is apparent that much of the site has been damaged by the plough, a long-term process judging by the presence of the probable medieval field ditch (context 113). Secondly, it is clear that the excavated area is only part of a greater whole: features extend eastwards out of the site, and Structure 3 continues into the present graveyard to the west. The presence of structures within the present graveyard is confirmed by the fact that slab surfaces similar to Structures 1 and 2 have been observed during grave digging.

The earliest activity at the site is represented by the flint assemblage, which is consistent with regional assemblages of the later Neolithic and Bronze Age, with at least two pieces (a scraper and a double-edged knife) having Beaker associations.

The site was first occupied in the late Iron Age, when a large ditch was dug (context 105) (Phase 1). It is unclear whether the ditch was simply a field boundary, or if it had a more protective or defensive function.

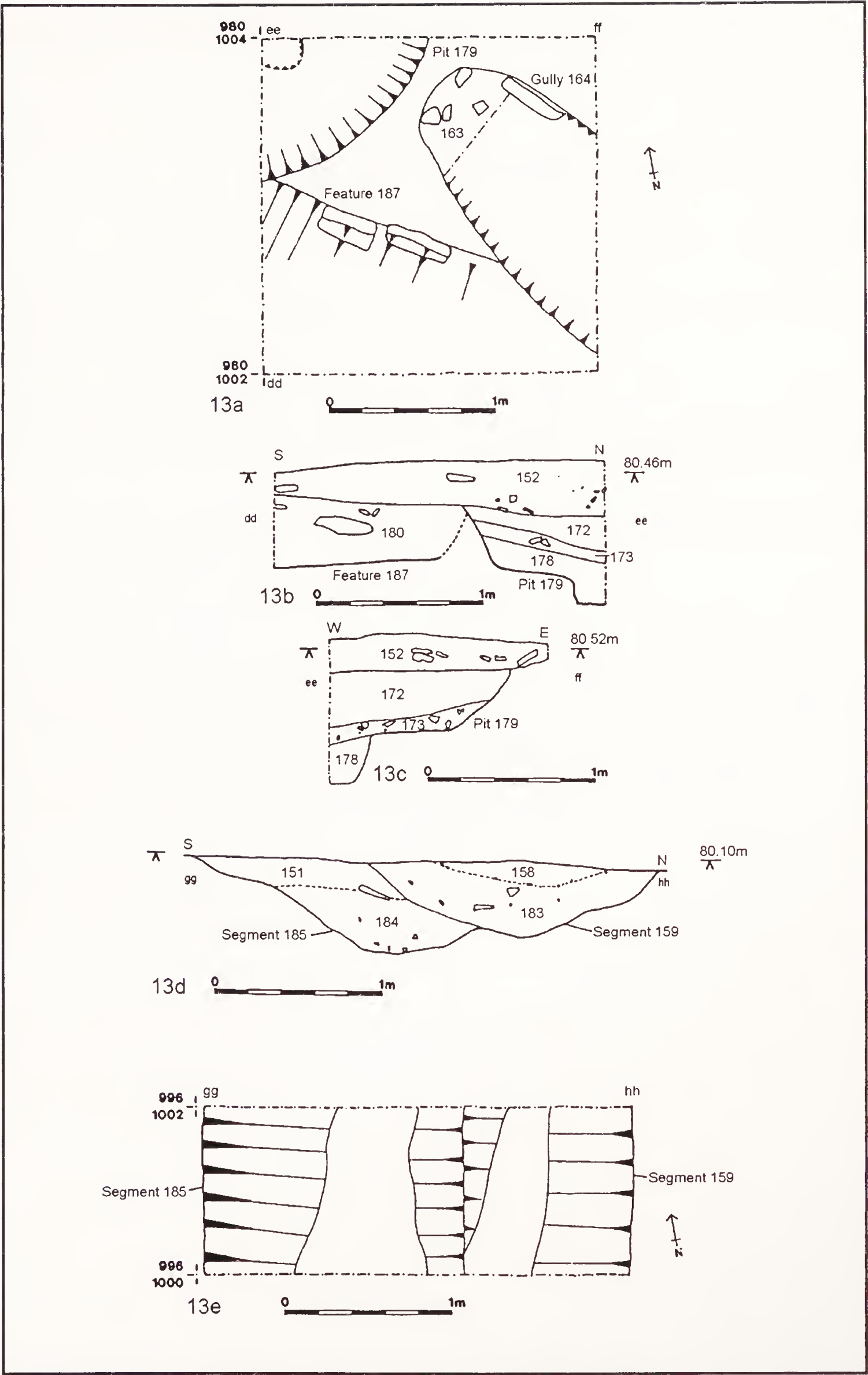


Fig. 13. a-c) Plan and sections of gully 164, pit 179 and feature 179;
d & e) Section and plan of ditch 133, segments 159 and 185.

Later, two structures with slab floors were built (Phase 2), with a subsequent constructional phase involving buildings with stone walls (Phase 4). The most substantial, or at least best preserved, of these buildings was constructed of imported limestone and measured in excess of 12 m in length and 6 m in width. This building had several phases of construction and overlay one of the earlier slab floors. The other building had the same alignment and was associated with a mortar floor, which overlay the early ditch.

To the north of the buildings lay an oven, and a number of pits and gullies. A large hollow at the north-west of the site is regarded as a quarry of Roman date.

The earliest pottery from the assemblage consisted of hard-fired sherds of simple jar forms characteristic of the late first millennium BC, whose tradition carried on into the Romano-British calcite tempered fabrics. Later pottery from the site was predominantly from the nearby production centres of Crambeck and Norton, and was of third- to fourth-century date. Ceramic building materials including brick, roofing tile, box-flue tile and a possible *tessera* suggest a building of some pretension in the locality of the site, further hints of higher status occupation are provided by the presence of samian and amphorae within the pottery assemblage.

Other dating evidence was provided by eight coins recovered by metal-detecting, only one of which was recovered from a recognised feature (SF 20 dated to AD 355-60 from the area of the quarry). They were predominantly of fourth-century AD date, with only a single worn third-century example (SF 11, *c.* AD 268-73). The coins were thus contemporary with the Phase 4 stone buildings.

It is apparent that a range of craft and industrial activities were undertaken at the site. The presence of a spindle whorl indicates that spinning was carried out. The hearth or oven, along with quantities of slag found adjacent to it, shows that metal-working, or ore-roasting, was a local activity. The position of the oven, down from the prevailing wind and away from the buildings, shows that consideration was given to distancing living areas from any unpleasant fumes or dangerous sparks from it. If the large feature at the north-west of the site was indeed a quarry, it must have been a significant element of the early phases of the site. All of these activities suggest a degree of economic self-sufficiency, though perhaps not enough to prove that the site was independent of a larger estate, and was perhaps linked to the Burythorpe sandworks villa.

Interpretation of the environmental evidence for the site was hindered by the small size and fragmentary nature of the animal bone assemblage. However, the animal bone shows a general lack of wild species, with the domestic types showing a preponderance of sheep/goat over cattle and pig. Horse and dog were also recorded. Environmental sampling was largely unproductive, with only a very few identifiable charred seeds being present.

Despite the inherent problems with essentially key-hole archaeology, this excavation provided information on a hitherto unknown site of late prehistoric and Roman date. The excavations achieved their main objective of defining a substantial ditch, which appeared to enclose a land unit on which the present All Saints Church stands. In addition, there was conclusive evidence of stone-built structures in use in the fourth century AD, which, based on associated artefacts, were of fairly high status. How this settlement relates to the more general picture of settlement and land use in broader geographical terms is considered in the Discussion below.

PREHISTORIC POTTERY

By T. G. Manby

CHARACTER OF ASSEMBLAGE

An assemblage of 248 sherds, generally unweathered and showing sharp fractures to sherds was examined. Only one complete profile of a small globular jar was present from context 126. The majority of the excavated pieces come from large jars, predominantly of a weak barrel-shaped profile with thick developed rim form with a rim diameter of between 22-35 cm. Medium jars, with a rim diameter of between 15-20 cm, are the second most numerous form. Small jars were the least numerous; although the fine ware sherds did come from vessels of a small size, but their shapes are unknown.

The largest group from context 191 had a proportion of medium ware with a hard, smooth compact exterior for both large and medium jar forms. There is also a very small quantity of hard dark grey fine ware wall fragments, some with exterior burnish, but otherwise without features.

Decoration was confined to the incised diagonal strokes on the lip of a small jar form contexts 117 and 126.

Fabric

The assemblage was characterised by hard fabrics, which showed a laminated structure in wall section with hard-fired surfaces generally dark grey with lighter tones; a minority show reduced orange exteriors or interiors. All had dark grey cores. Tempering showed a profuse use of crushed angular calcite >7 mm long, often protruding through the surfaces, where its crystalline character has broken down from the high firing temperature. Surface pitting left by the solution of calcite occurred but not as a common feature. A varying admixture of fine sand also occurred, sometimes in the form of quartz crystals.

ASSOCIATIONS

1. The ditch (context 105) provided a stratigraphic sequence:

Primary fill (context 134): only a very small group with one jar rim of very distinctive type.

Secondary fill (context 126): small group with decorated jar.

Upper fill (context 117).

Top fill (contexts 104 and 109).

2. Links provided between contexts were:

(a) contexts 104 and 128 by pieces of the same distinctive rim type.

(b) contexts 117 and 126 have the same decorated jar.

Summary

Context	104	109	116	117	126	134	137	191
Sherds	45	30	6	55	7	28	2	75
Weight gm.	1660	560	125	565	330	260	45	2140
Large jars	7	3	1	1	2	1		9
Medium jars	1	1		1		1		1
Small jars	1			1	1			2
No. vessels	9+	4	1	3	3	2		17

COMPARISONS AND DATE

In fabric and form many of the Burythorpe vessel forms and rim types have good parallels amongst the handmade wares of the ‘early fortlet’ at the Langton villa site (Corder and Kirk 1932, 30-33) and the ‘lake dwelling’ at Costa Beck (Hull 1930; Hayes 1988, 30-32). The assemblage belongs to a tradition of hard-fired pottery of simple basic jar forms that in eastern Yorkshire can be assigned to the later centuries of the first millennium BC, and continues to include Romano-British Knapton and Huntcliff calcite-tempered fabrics. Many of these late Iron Age assemblages across eastern and central Yorkshire have recently been summarised by Evans (1995). Artefactual associations that would provide reliable dating horizons for these assemblages are singularly scarce and the application of scientific determinations to their dating is needed. This would be especially significant for the Burythorpe church site where there is a stratigraphic separation between context groups

CATALOGUE (Figs. 14 and 15)

- 104.1 Large jar, incurving with out-turned rim, folded down inside lip. Calcite and fine sand tempering. Brown surfaces with darker toning; dark grey core. Slip flaking off inside. 27 cm rim diam., wall thickness 1.3 cm.
- 104.2 Rim with deep internal bevel. Dark grey interior, orange exterior. Dark grey core. Calcite tempering <0.6 cm. Similar to context 126.2. 23 cm rim diam.
- 104.3. Rim of large jar. Hard dark grey surfaces. Calcite tempering <0.7 cm (Evans W1).
- 104.4. Rim of large jar. Hard dark grey surfaces. Medium fabric; sparse calcite and sand.
- 104.5. Thick rim of a large jar. External bevelled lip. Brown surfaces. (Evans M111).
- 104.6. Thick rim of large jar. Calcite <0.3 cm. (Evans M111).
- 104.7. Medium jar rim. External bevel. Pitted, softer fabric. Calcite temper <0.3 cm. Wall thickness 1 cm.
- 104.8. Thick rim of large jar. Dark grey. Wall thickness 1.8 cm.
- 104.9. Rim sherd of small jar. Dark grey. Wall thickness 0.5 cm.
- 109.1. Large jar. Thick, incurved profile; recessed bevel, folded down inside.
- 109.2. Large jar. Externally bevelled rim; internal groove.
- 109.3. Large jar. Externally bevelled rim with overhanging lip. Dark grey fabric.

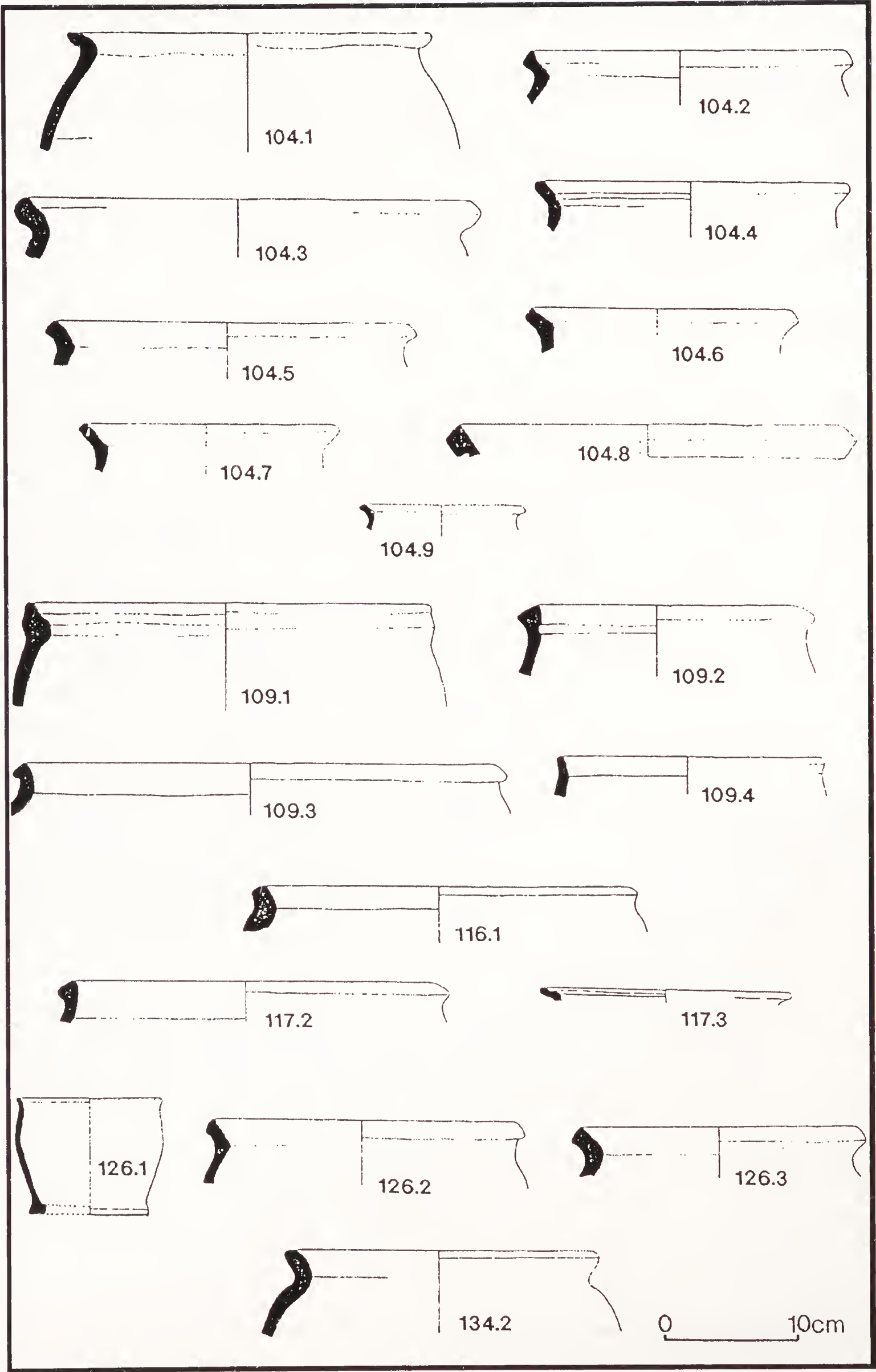


Fig. 14. Iron Age Pottery.

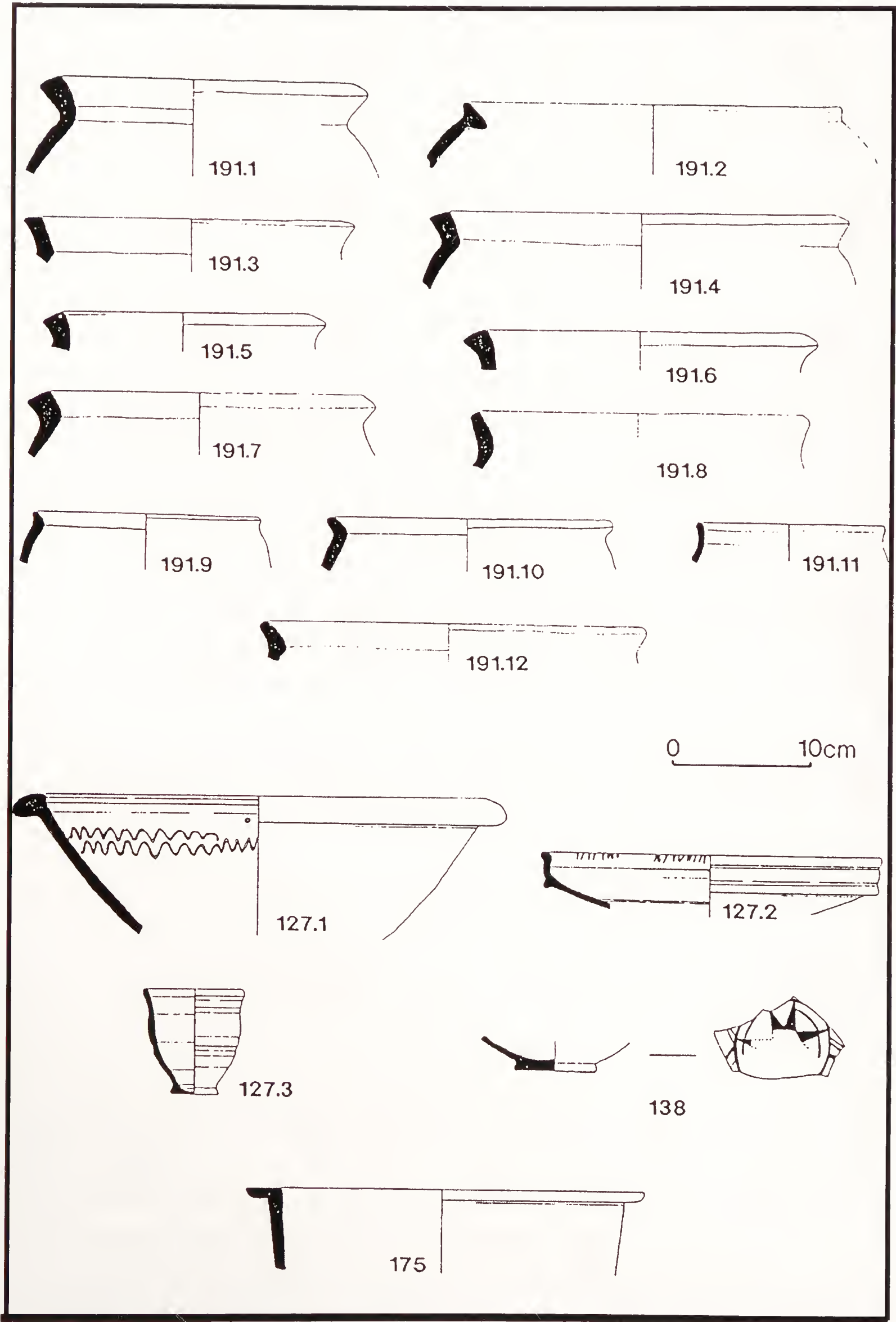


Fig. 15. Roman pottery.

109.4. Simple upright rim with flattened lip. Brown exterior, dark grey interior. Calcite tempered; pitted. (Evans L1).

116.1. Large jar. Out-turned rim with thick lip and crude internal bevel. Dark grey, brown-toned exterior; orange interior. Wall thickness 1.5 cm.

117.2. Large jar. External bevel. Hard dark grey laminated fabric.

117.3. Small rim with everted rounded lip. Dark grey. Calcite tempering <0.2 cm.

126.1. Small jar. Complete profile and 2 base fragments. 8.5-9 cm high. 11 cm diam. Rim; 9 cm base. Dark grey with brown toning on lip. Faint diagonal strokes on lip.

126.2. Large jar with deep bevelled rim. Dark grey exterior, orange interior. Dark grey core. Similar rim in identical fabric (109.2).

126.3. Large jar, Thick exterior bevel. Dark grey exterior, light grey interior.

134.2. Damaged small sherd of an upright rim. Calcite tempering.

191.1 Large jar rim. Broad externally bevelled lip, 2 facets on the interior. Brown toned exterior, dark grey interior and core. Very hard medium fabric with calcite grit <0.4 cm. Wall thickness 0.8-1 cm. (Evans E1).

191.2 Large jar rim. Broad expanded rim. Medium, very hard laminated fabric. Dark grey exterior, orange interior. Wall thickness 1.1 cm.

191.3 Two joining sherds of a large jar with external bevelled lip. Dark grey hard laminated fabric. Calcite grit <0.4 cm. (Evans E1).

191.4 Large jar rim. Dark grey laminated fabric. Calcite grit <0.4 cm. Wall thickness 1.3 cm.

191.5 Rim of large jar. Hard dark grey fabric. Calcite <0.2 cm. (Evans E1).

191.6 Rim of large jar. Wall thickness 1 cm. (Evans E1).

191.7 Rim of large jar. Wall thickness 1 cm.

191.8 Rim of large jar. Wall thickness 1 cm.

191.9 Small jar with everted lip. Hard dark grey fabric; calcite <0.6 cm. Carbon layer on interior.

191.10 Medium jar with everted lip. Hard dark grey medium fabric. Wall thickness 1-1.1 cm. (Evans J11).

191.11 Small jar with simple lip. Carbon layer inside lip. Medium sand tempered fabric. Wall thickness 0.6 cm. (Evans H1).

191.12 Small sherd of a large jar rim. Medium fabric with brown exterior and dark grey interior.

ROMAN POTTERY

By P. A. Ware

INTRODUCTION

The excavation at Burythorpe church has given a valuable opportunity to examine the Roman pottery from a rural site, an area grossly under-represented in Roman pottery studies.

THE POTTERY

It may be reasonable to suggest that occupation continued to the fifth century AD, but dated contexts predominantly belong to the late fourth century AD. The coin collection also suggests a late fourth-century AD date, therefore backing the pottery evidence.

The report on the Iron Age pottery (see above) appears to indicate pre-Roman occupation of site: the problem arises whether the site evolved gradually and became Romanised or if there was a break in occupation. There is little in the pottery to confirm this, or whether at some point in the second century AD the site was abandoned and then re-established in the late third/fourth century AD. No definite conclusions can as yet be drawn from the Romano-British pottery and neither option can be dismissed.

The bulk of the pottery comes from the two nearby kiln production centres of Norton and Crambeck. Context 175 has a Malton reeded rim bowl (Fig. 15.175) of Flavian/Trajanic date and obviously associated with military production. The role of the military market and how it affected pottery production is evident from the Burythorpe pottery. The rapid development of military influence on pottery supply in the region is suggested by the appearance of this type of material on what appears to be a non-military site.

Context 137 has an example of Malton mortaria. Thirty per cent of the greyware forms are from the Norton-based potteries. The majority of the other pottery is from the Crambeck kilns located only 5 km away. Context 154 contains several forms in redware. Parchment ware is found in several contexts including context 138 with a star decoration in the base (form E012, Fig. 15.138) and assigned to the late fourth century AD, and another painted platter from context 127 (Fig. 15.127.2). A Crambeck greyware bowl with incised wavy line decoration on the inside was found in context 127 (Fig. 15.127.1).

Several unusual forms are represented; in particular from context 127, a complete profile of a cup (Fig. 15.127.3) is especially important, as is the colour-coated Crambeck sherd from context 106). The Burythorpe collection conforms with Evans' statement that 'on no site examined by the author has the quantity of Crambeck finewares exceeded that of the greyware' (Evans 1989).

The appearance of the Dressel 20 amphorae on the site, in contexts 154 and 167, tends to suggest that the site had some higher status occupation as such pottery is not often found on rural sites (Evans *pers. comm.*). An example of Dressel 20 from context 154 had an exterior incised graffito (Fig. 16.7).

Samian consisted of plain and decorated forms. No East Gaulish samian was present and only one sherd with a stamp (SF 3: Fig. 16.9) could be assigned to a specific workshop (Oswald 231), suggesting a lack in the supply of samian to the site in the second and third centuries.

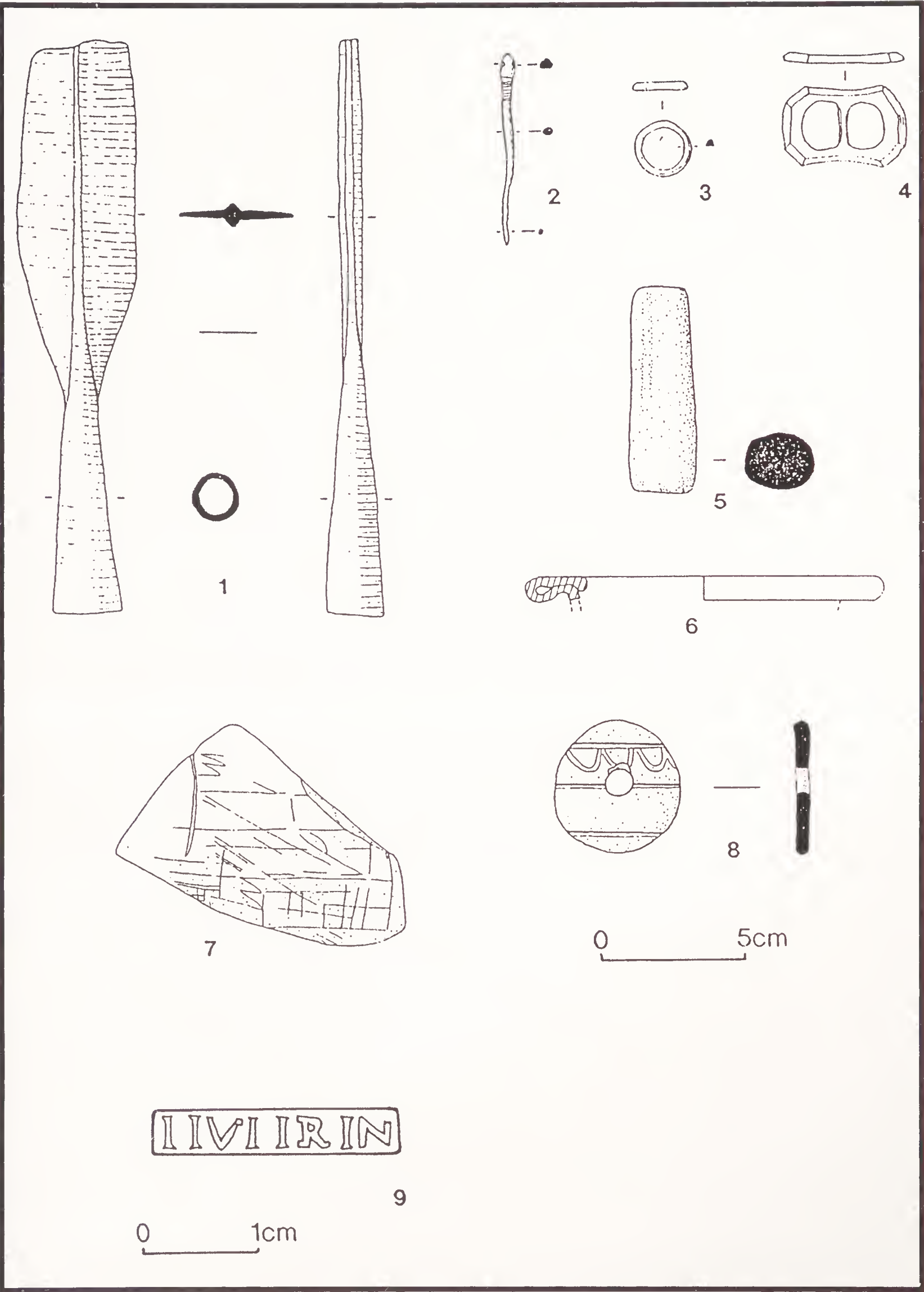


Fig. 16. Small finds.

DISCUSSION

The area of the Burythorpe church site excavated in 1995 showed that the first occupation phase, represented by Ditch 105, was dateable to the late Iron Age or early Roman period. The relatively large amounts of occupation debris in the ditch fills suggested that settlement of the same date lay close by. It is therefore possible to draw a parallel between the site and villa sites such as Rudston (Stead 1980), Langton (Corder and Kirk 1932) and Beadlam (Neal 1996) where settlement of Iron Age/‘native Roman’ type was superseded by the construction of Roman buildings, presumably as the descendants of the Iron Age inhabitants became more Romanised and able to afford a more comfortable life-style.

The Burythorpe church site lies close to a complex of prehistoric enclosures, situated to the west of Burythorpe sandworks, c. 900 m to the north-west (Fig. 2). Sample excavations at this site have been mentioned above. How the church site relates to this settlement is as yet unclear. There is a chronological gap between the two sites as no mid-late Iron Age material was found at the quarry, whereas it was present at the church. The presence of a separate complex of rectilinear cropmarks situated c. 700 m north-west of the church and to the east of the quarry site may provide the link. This series of cropmarks are believed to represent a villa (SAM NY1094). Fieldwalking of the site in 1990/1 (MAP 1991a) indicated occupation from the late first to the fourth century AD. As mentioned above, Beadlam and Rudston villas showed early Iron Age settlement on the villa sites, and it is reasonable to suppose that Iron Age occupation preceded the Roman at the quarry site, just as it did at Burythorpe church. In either case, there would seem to have been an eastward shift in settlement during the Iron Age, perhaps in favour of the higher ground and defensible position of the church site.

How the sandworks ‘villa’ site and the church site relate to each other is as yet unclear. The ‘villa’ would have been clearly visible from the church site and one assumes that there must have been some interaction. Both sites appear on available evidence to have been occupied in the fourth century, and judging by quantities of building stone recovered during fieldwalking at the sandworks ‘villa’, both had stone buildings.

There is a tradition of structures in east and north-east Yorkshire, some way below villas in status, that employed slab floors in their construction. A number of such structures have been identified in Norton; a fourth-century example at Eastfields had an associated limestone wall (Hayes 1988). Excavation within the *vicus* at Malton located fragmentary slab floors within a building of third/fourth-century date (MAP 1991b). An amorphous area of slab paving associated with a timber slot rather than stone walls, and of second- to fourth-century date was found at Pale End, Kildale (Hayes 1966), and another paved structure of this type was excavated at Elmswell (Corder 1940). This tradition would not appear to merely reflect the availability of local building stone as the sites lay on widely different geologies, with shale and mudstone at Pale End, glaciofluvial drift at Norton, limestone at Malton and chalk at Elmswell.

The early slab surfaces (Structures 1 and 2) at Burythorpe church would apparently belong to the slab floor tradition. What dating evidence there is suggests that Structures 1 and 2 were demolished in the third century, to enable the building of Structure 3. Structure 3, and the similarly aligned Structure 4, clearly marked a change and improvement in construction methods, but does this mean that the Burythorpe church site should be included in the

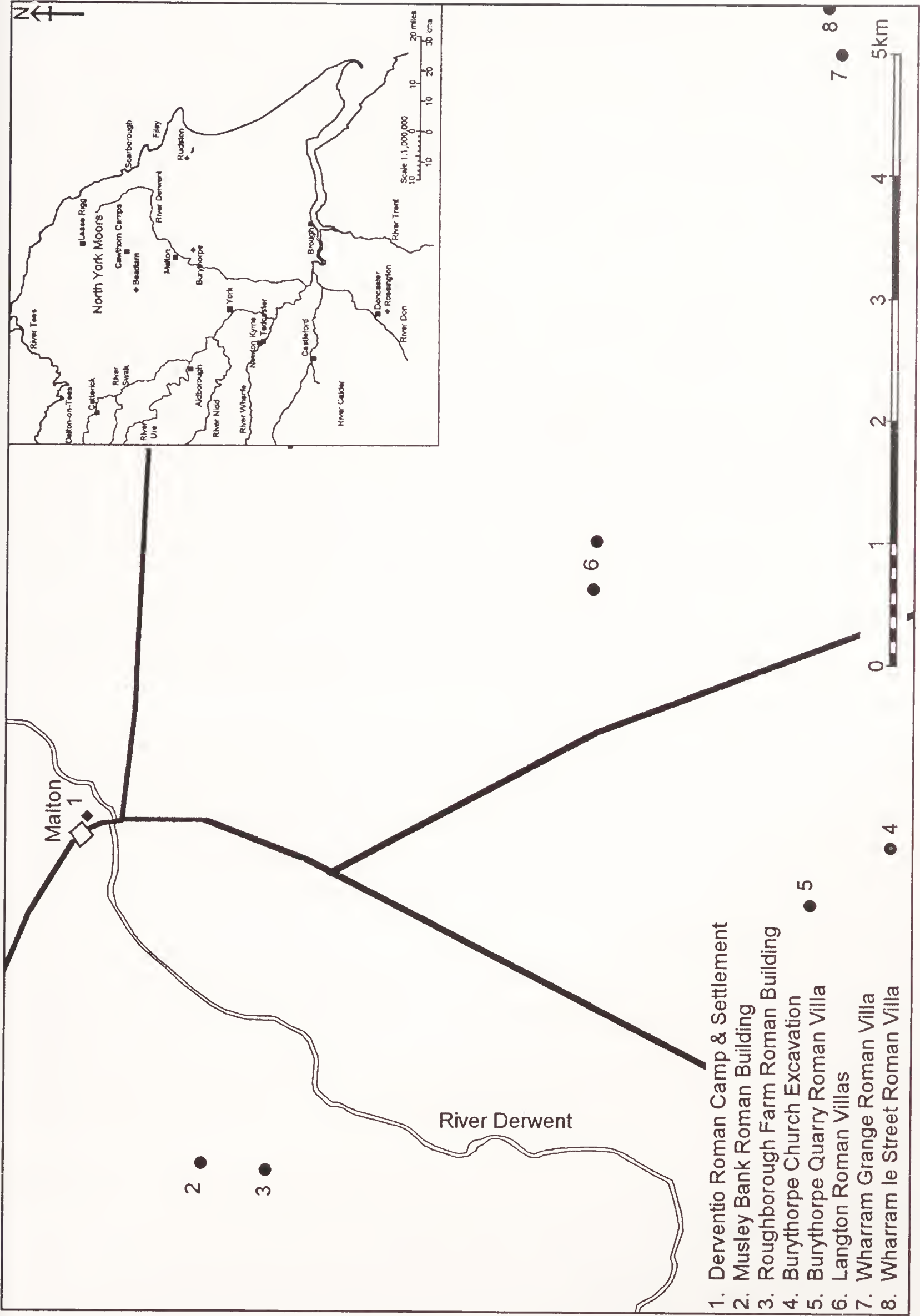


Fig. 17. Villas in the Malton/Burythorpe area.

group of high status sites within the orbit of Malton?

At least one villa has been investigated in Langton parish c. 3 km to the north-east of Burythorpe church (Corder and Kirk 1932) (Fig. 17). Another two villas are known in Wharram parish, c. 4.5km further to the north-east (Rahtz *et al.*, 1986; Hayfield 1987 - Fig. 17). There are two poorly recorded villas in Huttons Ambo parish at Musley Bank and Roughborough Farm (Kitson Clark 1935, 111, 123), 7 km to the north-west of Burythorpe (Fig. 17). All these villas, along with Beadlam and Hovingham, situated further to the north-west, are assumed to be in the hinterland of the Roman fort and civilian centre of Malton/Norton.

If it is right to suggest that villas occur in pairs, such as the Langton villas (Ramm 1988), and those at Wharram Grange/Wharram-le-Street, and Musley Bank/Roughborough Farm, suggests that it may be legitimate to pair the Burythorpe church site to the Burythorpe sandworks villa. Structure 3 at Burythorpe church was of some pretension, with at least some of its walls utilising fine-grained imported limestone rather than the coarser limestones and sandstones that were immediately to hand. The ceramic building material included box-flue tiles, brick and roofing tile, which again points to a relatively high status building, with a tiled roof and a hypocaust. A possible *tessera* fragment hints at the presence of a mosaic floor. Although the inhabitants of the Burythorpe church site therefore had many of the trappings of comfortable living, there is a lack of evidence for painted wall plaster and proven mosaic flooring which would both be anticipated at a villa site. Plough damage may partly account for these gaps in evidence, but it also remains a distinct possibility that another high status building forming an addition to the identified complex awaits discovery in the immediate vicinity of the excavation.

Ultimately, questions regarding the status of the Burythorpe church site and how it relates to the sandworks villa, plus how both sites relate to the known prehistoric settlement, can only be answered by further fieldwork at the site itself, and within the landscape in which it lies. The discovery of a previously unsuspected and significant multi-period site at Burythorpe church is an indication of the richness of the archaeological landscape and the extent to which it would repay further research.

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ceramic building material was assessed by Sandra Garside-Neville of Brick and Tile Services, York. The coins were kindly identified by Craig Barclay of the Yorkshire Museum, York.

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A YORKSHIRE FORT AND 'SMALL TOWN': ROMAN MALTON AND NORTON REVIEWED

By Pete Wilson

The evidence for Roman-period military and civilian occupation at Malton/Norton is reviewed, including data from PPG-16 interventions. The extent and character of the civilian settlement is considered, along with the burial evidence and that for craft and industry. It is suggested that the civilian settlements may have extended to some 22 ha, although in Norton it was inter-mixed with industrial and burial activity. The garrisons of the fort are discussed and the possibility of a Germanic garrison from the later third century proposed. The identification of the settlement with the Delgovicia of the Antonine Itinerary is preferred (after Creighton 1998) and it is suggested that the settlement should be considered a 'small town' rather than simply a vicus tied economically to the fort.

INTRODUCTION (Fig. 1)

The military aspects of Malton/Norton are established in the archaeological literature, largely through the work of Philip Corder and J. L. Kirk in the 1920s on the site of the auxiliary fort in Orchard Field (Corder 1930), but the civilian components are less well known. In 1971 Professor John Wachter discussed Malton/Norton alongside Aldborough, Brough-on-Humber and Catterick in his paper 'Yorkshire towns in the fourth century', albeit concluding that in the later fourth century the civilian community occupied the area of the fort alongside a much-reduced military garrison (Wachter 1971). Sommer (1984, 20-1) discusses the civilian site as a *vicus*, initially focussed on an annexe that also contained baths and a *mansio*.

Given that background it is perhaps not surprising that Malton/Norton was not included in the classic study of the subject of Roman 'small towns': *The 'Small Towns' of Roman Britain* (Burnham and Wachter 1990). The authors articulate the difficulties of their subject matter – conflicting terminologies, subjective criteria, and the limitations of the archaeological evidence, as well the problems inherent in previous approaches that have relied on the provision of defences, relationship to the communications network, or evidence of dependence on trade as indicators of urban status (Burnham and Wachter 1990, 1). Their solution was to 'include a wide range of sites which have at one time or another been called small towns, even though, for some there is likely to be little agreement among archaeologists' (Burnham and Wachter 1990, 1-2). Despite the casting of a wide net Malton/Norton was not included, perhaps reflecting the paucity of published data at the time. In developing this paper the author has had the benefit of access to unpublished data from recent excavations and recording and through the incorporation of that data this paper seeks to re-examine the nature of the civilian component of the settlement. As presented it represents an expansion and development of ideas that were summarised in a paper in Professor John Wachter's *Festschrift* (Wilson 2003).

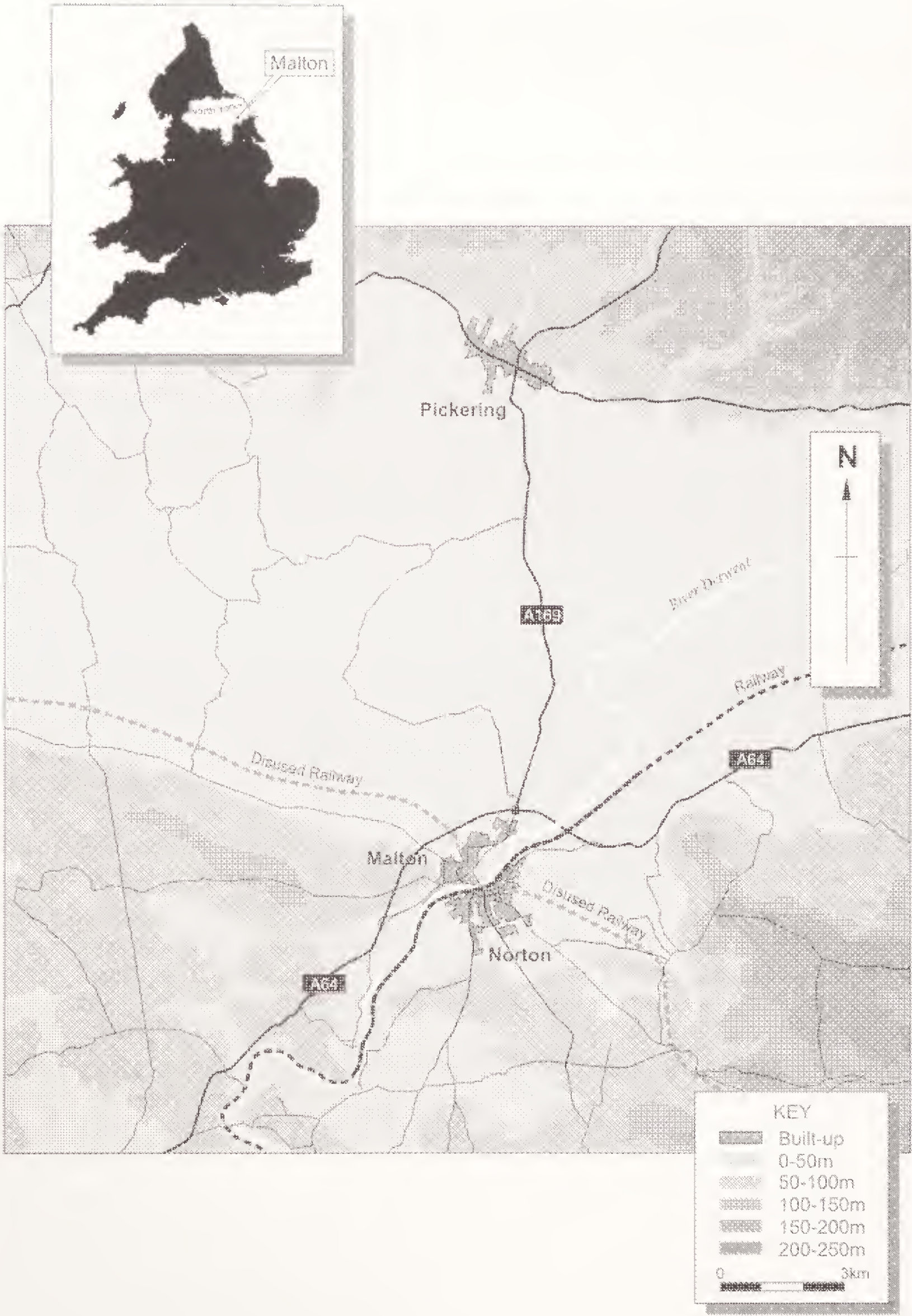


Figure 1. The location of Malton/Norton.

THE EVIDENCE

Malton/Norton has benefited from the observations of antiquarians and archaeologists over many years. Modern researchers are fortunate to have these disparate records of discoveries during building work and similar destructive interventions summarised in Kitson Clark's *Gazetteer of Roman Remains in Yorkshire* (Kitson Clark 1935, 19-20, 99-108, 113-18) and the relevant sections of *The Archaeology of Malton and Norton* (Robinson 1978, 5-10, 24-29, 34-40), the latter also serving to review the data available to Kitson Clark.

The Fort

The military history of the site has been considered a number of times (Corder and Kirk 1928; Corder 1930; Wenham 1974, 11-35) and was summarised by Wenham and Heywood (1997, 36). In the latter publication data from the 1968-70 excavations previously suggested by Wenham (1974, 9) as evidence of a camp dating to the time of Bolanus or Cerialis, is shown to be somewhat later, although the possibility of Cerialian occupation remains (Wenham and Heywood 1997, 36). The 'early rampart' found in 1968-70 is now known to be Trajanic and the wooden buildings suggested as contemporary with it (Wenham 1974, 9), Antonine. Otherwise the military history of the site is fairly well understood in outline, and even one of the garrisons is known, the *Ala Picentiana* (Wright and Hassall 1971, 290; Wenham and Heywood 1997, pl. 3). This unit was probably in residence in the Antonine period from the style of the inscription. Its arrival may have coincided with the reoccupation of the fort after AD 158, from which time it appears to have been garrisoned until the end of the Roman period. What is to be disputed is the claim that the later fourth-century garrison was the *Numerus Supervenientium Petueriensium* (Wenham 1974, 34; Wenham and Heywood 1997, 38). This suggestion derives from the belief that Malton/Norton is mentioned in the *Notitia Dignitatum* as *Derventio* (Rivet and Smith 1979, 333-34), a view questioned by Creighton (1988), whose arguments this author finds persuasive (*contra* Wenham and Heywood 1997, 1 fn. 1). Creighton suggests that the Yorkshire *Derventio* is Stamford Bridge and that Malton/Norton is *Delgovicia* as recorded in the *Antonine Itinerary*. If Creighton's argument is accepted the *Numerus Supervenientium Petueriensium* would be stationed at Papcastle in Cumbria, which was also known as *Derventio* (Rivet and Smith 1979, 334). In support of Creighton's suggestion it is perhaps worth noting the increasing body of data relating to Roman occupation at Stamford Bridge (Esmonde Cleary 1995, 345; 1997, 417; Lawton 1994; 1997; 1999; 2003; 2005; NAA 2004, 38-39; Ramm 1955; 1966; 1978, 31-34).

Our understanding of the military sequences at Malton, based on Corder's work on the defences and reassessment since, may be summarised as follows:

- A shallow military ditch was recorded by Wenham on a north-west to south-east line, with a rampart on its northern side. These features appear to represent an otherwise unknown camp of uncertain date, although Wenham and Heywood (1997, 5) assign it to the 'last quarter of the 1st century' (their Period 1a). Quantities of earlier pottery, including Vespasianic and early Flavian samian residual in later contexts, nevertheless support the possibility of Cerialian occupation.
- The first authenticated phase of permanent military occupation is represented by an Agricolan fort in turf and timber, the internal arrangements of which are unknown. The most intensively investigated area of the defences is the north-east gate, which at this time was a twin portal structure. It is possible that the replacement of the defences in stone was commenced

fairly rapidly, but it was not completed at this time.

- In the Trajanic period the fort defences were rebuilt in stone, with new ditches being cut further out from the walls and the north-east gate rebuilt as a single-portal structure. At this time an annexe may have been constructed (Wenham and Heywood 1997, 36).

- It appears that the fort at Malton fits the model for abandonment in the Hadrianic period suggested for many forts in the north of Britain (Frere 1987, 114). However the excavator suggests at one point that 'it seems unlikely that Malton was fully garrisoned' at this time (Corder 1930, 66), implying the possibility of continuing military occupation of some type. That having been said, in discussing the north-east gate Corder (1930, 46) refers to a period of abandonment. However the pottery evidence from the fort as a whole is suggested as strongly supporting re-occupation in the late 150's (Hartley 1971, 62, 67 fn. 54). In any event, in the later second century, or early in the third century, the Trajanic north-east gate was refurbished with the size of the fort being maintained, suggesting the same type of garrison and perhaps function. For this period there is evidence of contemporary internal wooden buildings in the *retentura* (Corder 1930, 66, fig. 31).

- During the late third or early fourth century, the north-east gate was again rebuilt, largely in reused material. On the basis of the quantity of coins of Carausius and Allectus, over 5% of the total found, Mattingly (1930, 114) suggests 'a revival of activity ... under their rule', to which this refurbishment might belong. Alternatively the work might fit a Constantinian context.

- Also possibly of this period is the well-known deposit of burnt grain, apparently destroyed because it had become insect-infested while in store (Buckland 1982). Bidwell and Croom (1997, 102) have refined the dating of this deposit noting that 'the presence of BB1 or BB1 imitation flanged bowls shows that ... [it can be] ... dated no earlier than the second half, and probably the last quarter, of the 3rd century'. However, as Buckland (1982, 55) has noted, it could be as late as AD 350.

- During the fourth century and post-dating the burnt grain deposit, there is evidence for well-built stone buildings within the fort, including an apsidal building cut into the back of the north-eastern rampart. There were further modifications to the north-east gate, including its partial blocking with earth and timber, the fort wall is described as ruined at the time (Corder 1930, fig. 11). From this period there are 29 infant burials from within the area of the fort.

- Corder argued for a further phase of rebuilding within the fort coupled with the replacement of the north guard chamber of the north-east gate in the late fourth century, his Period 6 (AD 370-395). It is possible that his start date for this period should be revised to *c.* AD 350/55 to reflect the modified dating of later East Yorkshire ceramics, notably Crambeck parchment ware and Huntcliff-type proposed by Hird (1997, 248), although this revised dating has recently been challenged by Bidwell (1996) and is possible that the start date of *c.* AD 370 should stand. However it appears likely that Corder's terminal date of AD 395 for this phase is too early and dictated by a wish to have a final phase to accommodate the 'wall ditch' (see below) within the Roman period.

- Corder had a final fort phase dating to AD 395-400 (his Period 7) when 'no surviving part of the masonry of any of the previous gates can have been visible' (Corder 1930, 51). The defence at this time was a ditch that he saw as originating in his Period 6, which he called the 'wall-ditch' as it was cut into the foundation of the fort wall, leaving space for a wall 2ft [0.6m]

wide on the old footing. There seems to be little justification for an assumption of such rapid decay of the fort defences, nor for Corder's dating of this feature, and a date in the fifth century, or possibly later must be considered.

The Civilian Settlement

The report on the 1968-1970 excavations in Orchard Field to the south-east of the fort (Wenham and Heywood 1997) is crucial to any understanding of the civilian component of Malton/Norton in the Roman period, particularly when considered with that on the excavations of 1949-52 undertaken some 50 m north of the 1968-70 site by the Rev. D. Smith (Mitchelson 1964). As noted above the site has also benefited from a number of other considerations, including that by Professor Wachter (1971, 174-76). He describes the civilian settlement as a *vicus* into the fourth century, but suggests that during the late fourth century the civilian population 'gradually ... [took] over the fort, so that it must have ended its life more like a walled town' (Wachter 1971, 176).

The history of the non-fort areas of Roman Malton/Norton is not easily summarised. The use of the term 'non-fort' is deliberate as Wenham and Heywood convincingly demonstrate the existence of an annexe, and/or a defended *vicus*, of two phases attached to the fort in the Trajanic period. Annexes are common in association with early Roman forts, providing secure accommodation for supplies in transit and securing facilities located outside the fort defences such as the military bath house. Certain, or possible examples are known in Yorkshire at: Catterick (Wilson 2002a 119; 2002b, fig. 419) Catterick (Wilson 2002a 119; 2002b, fig. 419); Doncaster (Buckland and Magilton 1986), Greta Bridge (Olivier 1987, 118; although Casey and Hoffman (1998) make no mention of defences), Ilkley (Salway 1965, 41; although Hartley (1987) makes no mention of defences), and Slack (Manby 1967). The ascription of the Malton annexe/*vicus* defences to Sommer's Group 1 'small annexe attached to half the side of the fort' (Sommer 1984, 18) by Heywood and Wenham (1997, 36) suggests that the layout of the earliest military phases of Malton may have been broadly similar to that at Catterick, where an annexe containing the military bath house was attached to the northern part of the eastern rampart (Wilson 2002b, 453-54). As was probably the case at Catterick, Wenham and Heywood suggest that the existence of an annexe does not preclude the development of a contemporary *vicus* (Wenham and Heywood 1997, 36). However, following Sommer, they also make the valid point that the distinction between an annexe and *vicus* at this date appears less than clear cut and without more evidence from Malton we cannot be certain what use this defended enclosure was put to.

In 1978, when Robinson produced his volume, the evidence for civilian occupation on the Malton side of the river was concentrated in the area outside the south-east gate (the *porta praetoria*), between the fort and the river, with more limited evidence of occupation deriving from the area outside the *porta principalis sinistra* on the north-eastern side of the fort. In addition Old Malton had produced a handful of finds (Robinson 1978, 24 nos. 40-43). On the Norton side he was able to plot a large number of antiquarian finds, the results of more recent excavations and the recording of casual discoveries. A large part of the more recent work has involved the recording of the Norton Roman pottery industry and related activity (Hayes and Whitley 1950; Hayes 1988, 66-89).

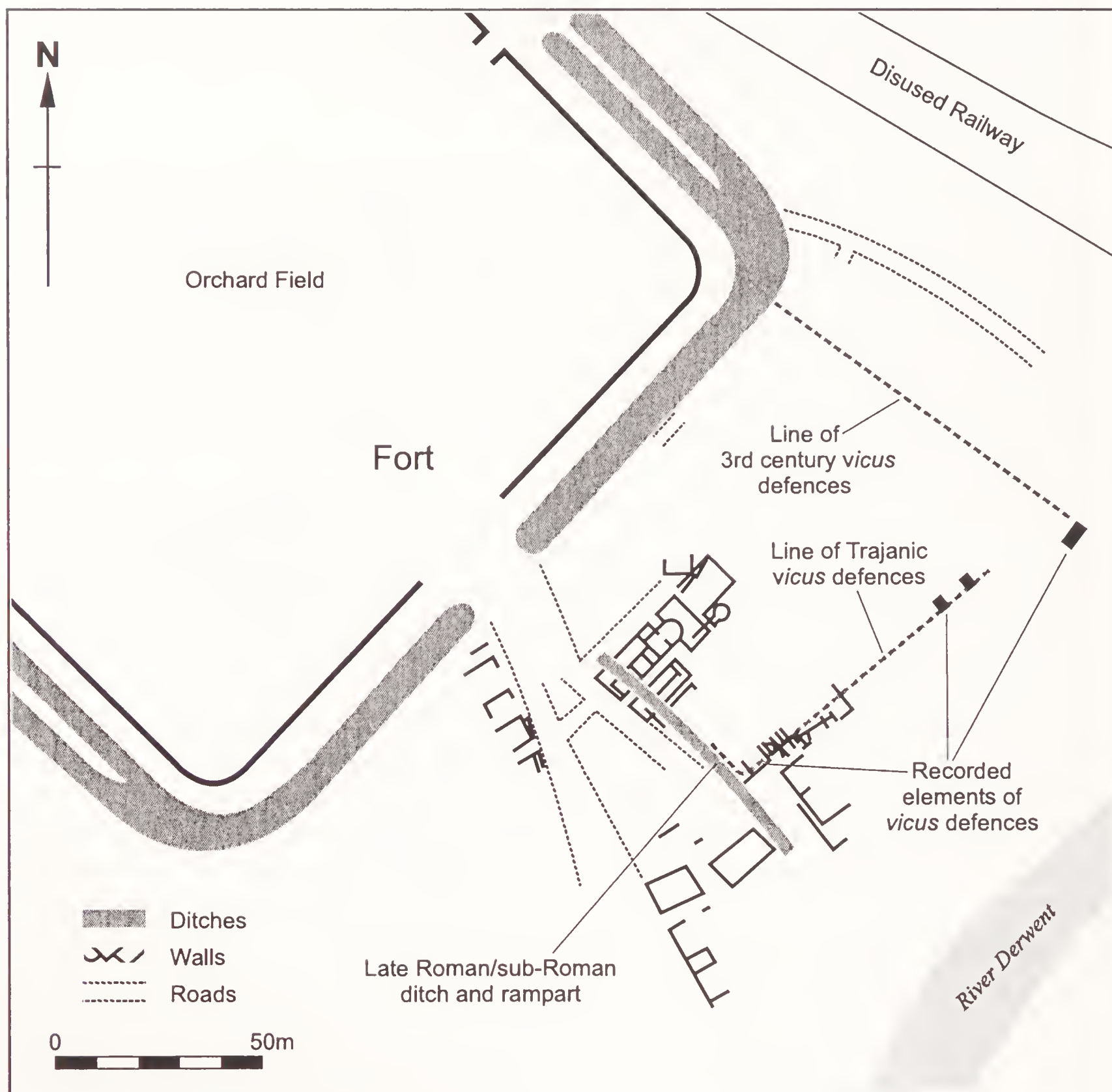


Figure 2. Plan showing Roman-period civilian buildings in the Orchard Field area (after Robinson 1978, fig. 6b and Wenham and Heywood 1997, fig. 1)

MALTON

By the time of Robinson's survey some 20 buildings had been recorded in the Orchard Field area, largely focused on the line of two roads that converge immediately south of the *porta praetoria*. Our knowledge of the civilian settlement in this area (Fig. 2) can be summarised as follows (after Heywood, in Wenham and Heywood 1997, 36-38):

- Possible evidence of a Flavian *vicus*, or possibly early military activity, overlain in part at least by the Trajanic annexe/*vicus* defences.
- Timber buildings dating to the period AD 79-108 in the area of the 1949-52 excavations located outside the area of the two phases of Trajanic annexe defence, although these build-

ings could be military and might belong to a Cerialian phase.

- Hadrianic/Antonine period. Buildings constructed over annexe defences; some of timber, others of wattle and daub on stone sill-walls.

- Third century. At least one of the buildings in the area of the 1949-52 excavations remained in use (Mitchelson 1964, Building G). There was new construction to the south in the area of the 1968-70 excavations (Buildings I, V and T IV – Wenham and Heywood 1997). Further to the east the area was largely used for dumping although new *vicus* defences were provided in the form of a rampart and wall accompanied by two ditches, running south-east from the eastern corner of the fort.

- There was major rebuilding within the *vicus* in the early fourth century. Wenham and Heywood connect this with the rebuilding evidenced in the fort at this time (Wenham and Heywood 1997, 37). To this phase can be ascribed the 'Town House' with its mosaic (Mitchelson 1964, pl. ix; Neal and Cosh 344-46) and painted plaster (Davey and Ling 1981, 145-46; Smith 2000), and other buildings from the 1949-52 work including the Kiln Building and Building Y (Mitchelson 1964, 223-29, 231). In the area of the 1968-70 excavations at least five new masonry buildings were ascribed to this period (Buildings III, IV, VI-VIII), and are suggested as possibly representing 'a 4th-century mansio ... with a linked if not contiguous bath-house' (Wenham and Heywood 1997, 38);

- Refurbishment of structures after demolition/destruction, including the Town House and Buildings VI and VII/VIII, post-AD 350 demonstrates the continuation of occupation into the latter part of the fourth century. In addition there are at least two structures to which Wenham and Heywood ascribe a post-AD 350 date; the 'rough rectangular stone hut' overlying the Kiln Building from the 1949-52 excavations and Building II from the later work (Wenham and Heywood 1997, 38).

- In the latter part of the fourth century Building II was substantially rebuilt and a forge inserted in Building I.

- A defensive ditch and rampart facing north-east was cut across the Town House and Kiln Building, excluding Buildings IV and VI-VIII from the defended area. Following Wenham (1974, 33) Heywood suggests that it 'can hardly be earlier than the fifth century and might well belong to the sub-Roman period' (Wenham and Heywood 1997, 38).

More recent work has produced much new data that is yet to be fully published. New information has been added for areas that are relatively well known, for example the *vicus* in Orchard Field where first-century post-holes and stone buildings of second- to fourth-century date have been found (MAP 1993, 32-34). South-west of Orchard Field test-holes on Sheepfoot Hill revealed evidence of third-century timber buildings and fourth-century stone structures (Finney 1990-91). However the major fact that emerges from a review of the data currently available is that there is an intensity of occupation apparent in areas other than those recognised at the time of Robinson's survey. To the areas noted by Robinson need to be added Old Maltongate outside the north-west gate (or *porta decumana*) of the fort (MAP 1998a); St Leonard's Churchyard west of the fort (YAT 1992); Malton New Rugby Club, some 400 m from the north-east gate of the fort (Stephens and Ware 1995, 12-14); Sheepfoot Hill/King's Mill (Finney 1990-91; MAP undated) and the area of Castle Howard Road where Roman period boundary features have been noted (Stephens 1992a; 1992b; MAP 1996).

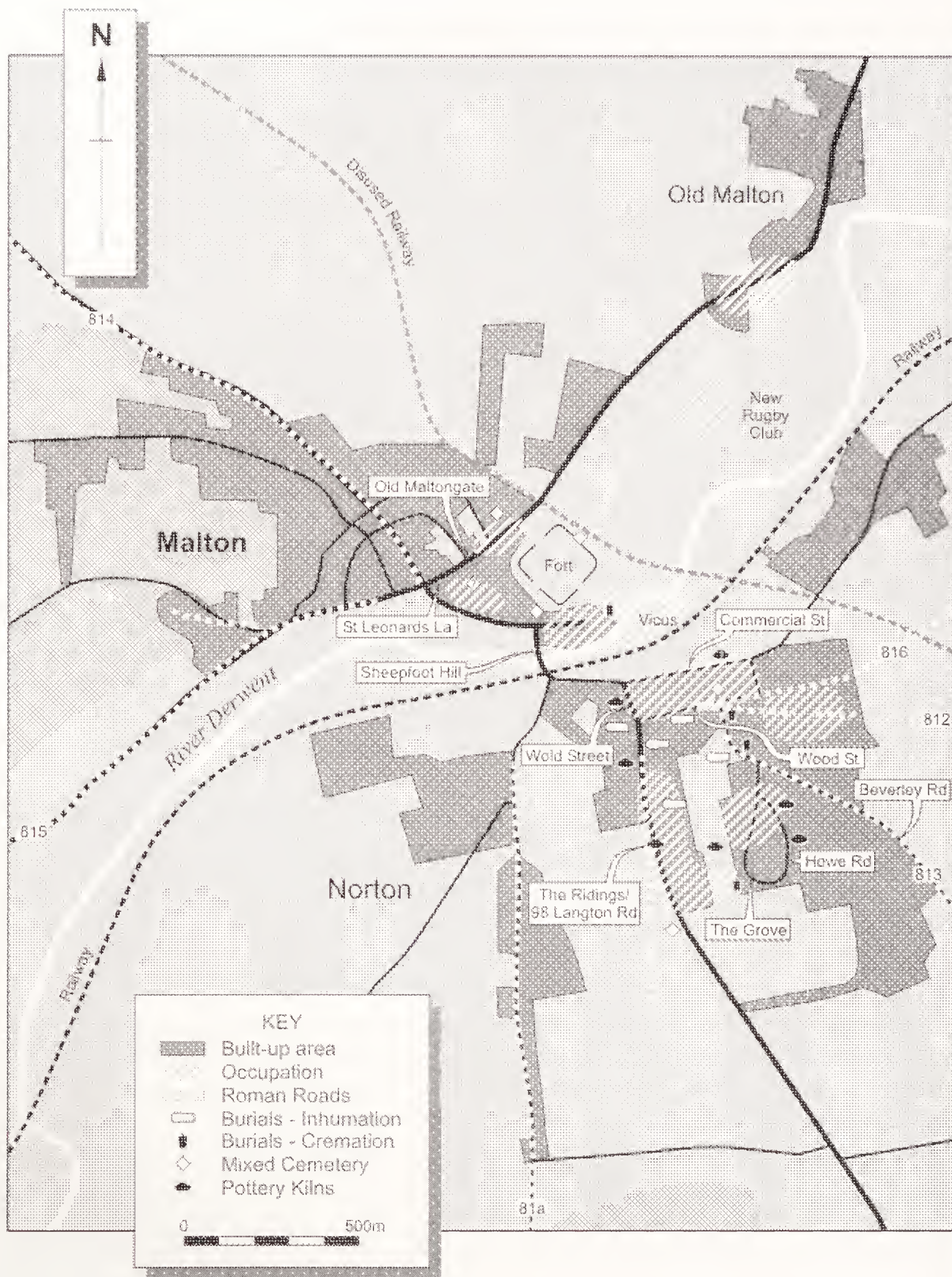


Figure 3. Malton/Norton showing major sites and finds spots referred to in the text.

What is not clear from most of these small-scale interventions is the character and extent of the deposits encountered, although in the case of Malton New Rugby Club we can be more certain. There top-soiling in advance of the construction of the pitches led to the discovery by machine of three very well-preserved limestone built buildings of second- to third-century date (Stephens and Ware 1995, 12-14). These structures suggest strongly the existence of extensive ribbon development extending north-east from the fort, possibly linking with the occupation in the area of Old Malton and that immediately east of the railway noted by Robinson (above and Fig. 3). Similarly work in St Leonard's Churchyard has produced Roman period stone-built structures of third- and fourth-century date with evidence of painted plaster amongst the demolition debris (YAT 1992). This latter find extends, what is probably evidence of civilian occupation, into what was previously regarded as an unoccupied area.

NORTON

The evidence from the Norton side of the river largely consists of isolated discoveries of buildings, substantial traces of industrial activity (primarily pottery production), and burials. This is in large part because the area has not received as much systematic attention as its neighbour across the river, the majority of the data being drawn from casual finds, or 'salvage' excavations. That having been said, Robinson (1978, 34-40) lists some 140 'sites' and finds spots on the south-eastern bank of the river, although many of these relate to cemeteries and reports of discoveries of burials (see below). However there are at least 24 sites and finds spots that have produced evidence of building remains, often 'stone floors' or isolated walls. Given the nature of the recording that has been undertaken in Norton the limited detail is perhaps not surprising, nor is the fact that the later Roman period is better represented in the archaeological record than the earlier. What is clear is that there is evidence for settlement in the Norton area from the middle of the second century with a probably domestic Antonine stone building near the north end of Langton Road (Robinson 1978, 35 no. 264). This structure was replaced by a substantial stone building with *opus signinum* floor, which later in its history was put to an industrial use, with a smelting hearth being inserted into the floor. Elsewhere evidence of occupation in the third and fourth centuries, and perhaps beyond, has been recorded on a number of sites, the Eastfields Estate and St Peter's Vicarage Garden being two examples. It is perhaps significant that at Eastfields, the removal of part of the fourth-century paving revealed some evidence of third-century occupation suggesting that the site may represent expansion of domestic occupation at a time contemporary with the development of the Norton pottery industry. As in Malton more recent work has added to our knowledge of Norton with evidence of buildings at the Bright Steels (Stephens and Ware 1995, 14) and Ryedale Cash Registers (MAP 1998b) sites.

The Pottery industry

The best evidence that we have relating to pottery production derives from the area of Howe Road and Langton Road, where a group of kilns was excavated in 1948-49 (Hayes and Whitley 1950; Hayes 1988, 72-77). However it appears that these only represent a proportion of what was an extensive industry: Bidwell and Croom (1997, 101) allow at least 13 kilns and there is possible evidence for up to a further 10, along with other material such as fire bars. Recent work at Grove Cottage has added a further single-flued up-draught kiln, similar to those reported by Hayes and Whitley (Hayes and Whitley 1950; Hayes 1988, 72-76), while geophysi-

cal survey has suggested more kilns in the area (Gater 1986).

Pottery production at Norton has been considered by a number of authorities (Swan 1984, 109-11; Evans 1988, 324-26; Bidwell and Croom 1997, 101-03) as well as by Corder in the original publication of the kilns (Hayes and Whitley 1950, 26-37). As currently known from the kiln evidence pottery production at Norton was a third- and possibly early fourth-century phenomenon. Swan (1984, 109-11) has suggested production in the later second century and more recently Bidwell and Croom (1997, 101) have stated that 'the grey ware fabric used at the Norton kilns is identical to that used for 1st and 2nd century vessels', although no kilns of that date have been identified. Early products included mortaria, although Hartley and Croom (1997, 110) suggest that local mortaria production went into decline in the late second century – 'although at least one local kiln site appears to have continued into the third century'.

Other crafts

It is clear that other crafts would have been practised in Roman Malton/Norton, as is suggested by the insertion of a furnace, possibly for iron smithing/smeltering, into the floor of a fourth-century building in Norton (Robinson 1978, 35 no. 264) and also by the well known inscription referring to a goldsmith's shop (*RIB* 712). Indeed it is possible that some of the 'possible kilns' referred to above could represent high temperature industries other than pottery production. However what is also clear is that in Norton this activity, including pottery production, happened in a suburban context with buildings intermingled with the workshops. No doubt some of these would have been directly related to the industrial activity and would have been used for activities such as pot-drying, while others presumably represented homes and shops. A similar relationship has been observed at Water Newton, where the extra-mural suburb north of the River Nene in the Normangate Field area has produced extensive evidence of occupation and industrial activity (Hartley 1960, 7; Dannell 1974; Burnham and Wachter 1990, 84-87). At Norton *tesserae* from Commercial Street suggest that high status occupation may have existed in fairly close proximity to the industrial activity, unless the finds relate to a workshop for their production. This apparent inter-mingling of occupation with settlement further obscures the extent, or at least the intensity, of the civilian settlement on the Norton side of the river.

Burial

The cemeteries of Roman Malton/Norton are poorly known, although a number of individual find-spots and small groups of burials have been recorded. On the Malton side of the river, in addition to the 29 infant burials within the fort, cremations and inhumations, including a stone sarcophagus and a possible gypsum burial, are known outside the *porta principalis sinistra* (Robinson 1978, 26, nos. 67, 69-71, 73, 74). To the north-west of the fort, close to the line of the road from the *porta decumana*, an inscribed tombstone (*RIB* 714) was found in the eighteenth century, and the area has also produced 'urns'. A contracted burial was found in 1848 outside the southern corner of the fort, two cremations are also mentioned, but these were 'found elsewhere' (Clark 1935, 104; Robinson 1978, 27, no. 88). A further cremation was found towards the river south of the 1968-70 excavations (Robinson 1978, 28, no. 122) and an isolated inhumation is recorded from the area of the railway line to the east (Robinson 1978, 28, no. 126). The 1968-70 excavations produced two burials: an infant burial cut into a floor of Building I and probably post-dating AD 378 (Wenham and Heywood 1997, 28); the second

an adult, which probably post-dated AD 250, cut into the floor of Room 3 of Building III (Wenham and Heywood 1997, 24). In addition there are various references to cremation and inhumation burials and 'urns' in antiquarian sources. Although the latter lack any indication of associated bone it is possible that some at least of them, along with some of those referred to above from near the *porta decumana*, may represent cremations.

Across the river there are a number of areas in Norton that have produced Roman-period burials. Two inhumations were cut into the area of the kilns excavated by Hayes and Whitley on Howe Road (Hayes and Whitley 1950, 11), with a further inhumation recorded some 45 m south-west and a skull reported from The Grove (Robinson 1978, 39, nos. 352, 353). In the Wold Street/Langton Road area a variety of finds of inhumations, cremations and a tombstone (*RIB* 715) indicate an extensive cemetery extending for over 500 m (Robinson 1978, 35-37, nos. 270, 271, 306-10, 316). Similarly in the Wood Street/Beverley Road area various finds of inhumations and cremations suggest another extensive cemetery (Robinson 1978, 36-39, nos. 275, 276, 278, 279, 285-88). Inhumation and cremation burials have been found either side of Commercial Street over a distance of some 200 m (Robinson 1978, 35, nos. 245, 248-251), with three or four additional adult skeletons being found in 1981 near the junction with Wold Street. Some 60 inhumation burials and an unknown number of cremations of second- to mid fourth-century date are known from a probable enclosed cemetery east of Langton Road. The evidence from this cemetery is primarily derived from three discoveries:

- An excavation at 98 Langton Road by the Scarborough and District Archaeological Society in 1953 which produced 26 inhumations and four or five cremations (Robinson 1978, 39, no. 354; Hayes 1988, 77-80);
- A group of burials discovered in a neighbouring garden in 1960 (Hayes 1988, 77-80), and
- An apparently enclosed cemetery partially excavated in 1966-7 at The Ridings, Langton Road, less than 100 m from the 1953 discoveries. This work produced some 33 burials, including at least seven cremations (Robinson 1978, 39, no. 355).

DISCUSSION

The fort at Malton and the possible Iron Age settlement that preceded it (Robinson 1978, 4; Wenham 1974, 6; Wenham and Heywood 1997, 1) appear to have shared a common reason for their siting - the crossing point of the River Derwent, which in the Roman period made the site a major route focus (see below). However it should be pointed-out that the evidence for Later Iron Age occupation is less clear-cut than was suggested by Wenham, as much of the material that his summary suggested derived from a burnt surface representing Roman military clearance of the site (Wenham 1974, 6-7), was in fact from later contexts (Wenham and Heywood 1997, 19, 31, 37). Equally it is possible that a number of the 'Iron Age tradition' artefacts from the site may be Roman in date, for example the weaving combs from Hadrianic/Antonine contexts (Wenham and Heywood 1997, 144-45). Examination of the Roman road system (Margary 1973, map 17) shows the importance of the Derwent crossing at Malton as a route focus. The next major crossing to the east is on Roman road M817 near Sherburn, some 17.5 km upstream, and to the south-west crossings on roads M80a and M2e lie beyond the Kirkham Gorge, at Stamford Bridge and near Kexby at distances of c. 17 km and c. 21 km respectively.

Effectively this means that Malton controls the western side of the Vale of Pickering and is well placed to dominate much of the Wolds and Howardian Hills. In terms of Roman military deployment this position is crucial, the fort is the only one east of York to be occupied for the bulk of the Roman period and controls the eastern approaches to York. Once the initial conquest of the area was complete it would presumably have provided a base for 'patrol and control' for areas ranging from the Wolds into the North York Moors.

Fort size cannot be regarded as a reliable guarantee of garrison type, given the evidence for: over-garrisoning on Hadrian's Wall (Frere 1987, 167), units and part-units being brigaded together (Hassall 1998) and the potential use of areas within forts for 'non-standard activities', for example the *gyrus* at The Lunt, Baginton (Hobley 1973), the supply base at South Shields (Dore and Gillam 1979, 41-54, 61-66; Bidwell and Speak 1994, 20-32), or Wenham's suggestion of Malton as a centre for the collection of the *annona* (Wenham 1974, 14). However, Frere (1987, 188) notes that 'the *annona* ... was a feature only of the late empire' and therefore, if relevant, could only be used to explain developments later in the site's history. In the light of this a mixed garrison or a specialist function for the fort might be suggested. Although with respect to the latter no published or unpublished data provide evidence for any specialist activity comparable with, for example, the leather-working attested at Catterick (Hooley 2002). However, it should be stressed that many specialist activities, whether or not they were directly in the hands of the military, could have been undertaken outside the defences of the fort (Sommer 1984, 4). They could be located in an annexe where one existed, as in the case of the extensive metal-working at Newstead, or in the *vicus*. That having been said, and accepting the cautions noted above, the size of the Trajanic and later fort, at some 3.4ha, is well within the size range suggested by Johnson (1983, 293 – 1.9-4ha) and Bennett (1986, fig. 2 – c. 2.3-4.5ha) for an *ala quingenaria* (unit of auxiliary cavalry 512 strong). Given the known presence of the *Ala Picentiana*, coupled with the lack of evidence for changes to the size of the fort from the Trajanic period at least, and the extent of the area over which the garrison might have had to patrol, a mounted, or part-mounted, garrison throughout the existence of the fort, might be a realistic expectation. However as discussed elsewhere (Wilson 1991), it seems improbable to this author that Malton was the base for some form of late-Roman 'rapid deployment force' that would hasten to the assistance of the coastal 'signal stations' when faced with attack, as was first suggested by Corder and Kirk (1928, 82) and has been accepted by various more recent authorities (for example Ottaway 2000, 188-90). Given the distances and topography involved it is likely that any raiders would have been long gone by the time that troops from Malton arrived.

Wenham (1974, 8) suggested that Malton/Norton served as one of four *pagus* centres of the *Parisi*. However we have no evidence relating to the legal status of Malton/Norton civilian settlement at any date, and with respect to its earlier history the term *vicus* is used in this paper as a convenient shorthand, with the acknowledgement that we cannot demonstrate the formal relationship to the fort.

The discoveries at the New Rugby Club site and elsewhere suggest that the civilian settlement on the north bank of the river may be considerably more extensive than previously believed. On the north-eastern side of the fort possible models include:

1. Ribbon development towards Old Malton, possibly continuous away from the burials

known outside the *porta principalis sinistra* and perhaps including the occupation evidence noted by Robinson east of the railway (Robinson 1978, 26 no. 80). This might indicate that the finds recorded from Old Malton may relate, not to a physically separate area activity or occupation, but form part of a much more extensive *vicus* than has previously been assumed, with occupation extending beyond the *vicus*/annexe defences recorded in the 1968-70 excavations;

2. The existence of a separate area of civil settlement in the Old Malton/New Rugby Club area – presumably any such settlement would have been closely associated with the *vicus* and focused on the road from the north-east gate of the fort;

3. Given the limited nature of the investigations on the New Rugby Club site and the consequent lack of detailed understanding of the buildings, it is possible that they could represent a villa complex similar to those known in close proximity to other Roman towns, for example to the east of Kenchester (Wilmott and Rahtz 1985).

To the Old Malton/New Rugby Club evidence should be added the newly discovered occupation areas north-west and west of the fort in the Old Maltongate and St Leonard's areas.

Thus, on the Malton side of the river, civilian occupation can be seen to extend to at least 10ha (perhaps 12ha if Old Malton is included) and possibly more, if some of the various areas around the fort were linked, rather than representing a series of separate foci, and if ribbon development did extend along the road from the fort to Old Malton. However continuous areas of occupation cannot be assumed with certainty as it appears that fourth-century occupation did not extend across the whole area defined by the *vicus* defences (Wenham and Heywood 1997, 37). Equally it is clear that not all of the recorded occupation would have been contemporary, as evidenced by the apparent lack of fourth-century structures at the New Rugby Club, nor is the intensity of occupation established away from the excavated areas in Orchard Field (Mitchelson 1964; Wenham and Heywood 1997). The core of the site would appear remain the Orchard Field area, the location of the possible fort annexe, defended *vicus*, and fourth-century defences, where in the fourth century buildings 'clustered close to the two known roads leading ... to Norton' (Wenham and Heywood 1997, 37). Given the limitations of the evidence it is even more difficult to suggest the extent of occupation on the Norton side of the river, but it is clear that domestic occupation extends over at least 10ha. However again there is a need to be cautious with regard to both the intensity of occupation and the contemporaneity of occupation in different areas, a caution emphasised by the apparent intermingling of industrial activity and occupation and the presence of burials between or within the settlement areas.

Despite the advances in our knowledge we do not have the evidence to reconstruct in detail the origins of the Malton/Norton civil settlements. Many of the population were probably incomers given the apparently exclusive use of intrusive rectilinear building types, although that could in part represent the influence of the military. Equally the internal morphology of the civilian settlement, away from the excavated sites in Orchard Field, is far from clear. The impression from the location of antiquarian and other reported discoveries and the more extensive work at Malton New Rugby Club is of ribbon development along the roads outside each of the gates of the fort. Similarly most of the discoveries on the Norton side of the river appear to focus on the lines of the roads extending from the river crossing. However the nature

and scale of investigations precludes any further refinement of what is in effect 'an impression'. That having been said the occupation recorded in the area of The Grove rather seems to buck this trend, but this may reflect an association with the pottery manufacturing activity in the area.

The apparent extension of occupation areas and the level and variety of economic activity in the third if not the later second century indicates that Malton/Norton was a 'successful' settlement and this author would argue that by this time it can probably be regarded as 'urban' in function at least, despite the lack of evidence for its legal status. It appears as the focus for a group of six or seven higher status sites evidenced by mosaics: Beadlam (Neal 1996; Neal and Cosh 2002, 322-23); Hovingham (Neal and Cosh 2002, 341), Langton villa (Corder and Kirk 1932; Neal and Cosh 2002, 343), Langton, Middle Farm (Corder and Kirk 1932, 15-6; Neal and Cosh 2002, 342) Musley Bank (Kitson Clark 1935, 111; Neal and Cosh 2002, 347), Roughborough (Kitson Clark 1935, 111; Neal and Cosh 2002, 350), and Wharram le Street (Rahtz and Bateman 1986; Neal and Cosh 2002, 367). These sites are in most cases likely to be villas, although some are poorly understood. To these can be added other high status sites including the recently discovered site at Blansby Park, Pickering (Watts *et al*/2003), Wharram Grange (Hayfield 1986) and possibly Wharram Percy, North Manor (Rahtz and Watts 2004, 283-4). Again these sites are perhaps best regarded as villas, but as is the case with many of the sites much of our knowledge derives from early records, or small scale excavations, and therefore in some cases other interpretations may be possible. The site at Wharram le Street is a case in point. Its location at the head of the Gypsy Race stream has led to suggestions that it might be a religious complex (David 1986, chapter 9.6; Rahtz and Bateman 1986, chapter 13). Whatever the character of these sites they demonstrate the existence of an economy with access to significant surplus resources and Malton/Norton appears ideally placed to act as a market centre both for the products of agricultural estates and for the provision of goods and resources, such as specialist craftsmen, that would be essential to the creation and maintenance of what can, at a regional level, be seen in traditional terms as 'Romanised', or as representative of 'becoming Roman' (Woolf 1998).

By the fourth century the success of Malton/Norton manifests itself through obvious prosperity, as demonstrated by the Town House, its mosaic and the wall paintings, the latter being described as 'of some pretension' by Martin Henig (2006, catalogue no. 129). Henig questions the function of the building stating that it 'doubtless had an official function of some sort' (Henig 2006, catalogue no. 132). While he may be correct, it appears more probable to this author that the Town House is exactly that, a dwelling of some pretension appropriate in character and form to the core of the developing urban centre. What is less clear is the relationship of the different components of the settlement. At least in the first and second centuries it is tempting to see the area of occupation in Orchard Field, south-east of the fort, as representing a *vicus* established under close military control and its development encouraged by the military. However, is the same true of occupation elsewhere around the fort and particularly on the Norton side of the river, or at the New Rugby Club site some 0.5km north-east of the fort? Alternatively were these latter areas of occupation under less close military supervision than those in the shadow of the fort? That the military would have had a hand in the running of settlements associated with forts, at least to begin with, is a commonplace, although how long this would have lasted, or how far direct military control would have extended is uncertain. Indeed the possibility of multi-focal occupation in the vicinity of the fort raises the possibility

of some distinction in the civilian population on the lines suggested by Sommer on the basis of proximity to a fort (Sommer 1984, 17). In the case of Malton we might be seeing Sommer's 'military civilians' outside the *porta praetoria*, in what can later be regarded as the core of the civilian settlement based on our current knowledge, and his 'civil civilians' establishing themselves in other locations on the roads leading to the other gates and on the Norton side of the river. It is known that *territoria*, areas directly controlled or even owned by the military (see Sommer (1984, 13-14) for a summary discussion), existed in association with auxiliary forts, as evidenced by the building inscription from Chester-le-Street dated to AD 216 that refers to the ...*t]errito|[rium...* of a cavalry regiment (*RIB* 1049). However we have no idea how extensive *territoria* would have been, how they might manifest themselves in the archaeological record in the absence of inscriptions, or how they would impact on the development of civilian settlement, if at all.

Malton/Norton functioned as a regional centre for pottery production (see below) and presumably as, as suggested above, a market centre for other types of goods and services. The goldsmith's shop inscription indicates a range of economic activity, coupled with a reasonable level of disposable income on the part of some in the population of the town and surrounding area. This might also suggest that once established the civilian settlement at Malton/Norton may have developed an economic life that did not depend entirely on the fort and its garrison. Although it is likely that Wenham was right in suggesting that:

'Traders, shopkeepers, entertainers and a variety of other folks - of both sexes - were attracted by these troops and their pay packets' (Wenham 1974, 35),

and presumably the fort would have continued to have had a significant effect on the settlement and its economy. However the existence of the pottery industry, and in particular the distribution pattern for Crambeck Ware which sees it in quantity on Hadrian's Wall and elsewhere in the north (Evans 1989, 68-74), suggests that the Malton/Norton area was part of a considerable and, probably sophisticated, distribution network. The Crambeck kilns are located 7km south-west of the Derwent crossing at Malton/Norton, with outlying kilns at Crambe 1.5km to the south. Given that the material was high volume/low value it appears reasonable to assume that much of the pottery might be moved using the river system through York. Although the main kiln group is located above the Kirkham Gorge, where the river cuts through the Howardian Hills, the kilns are well-placed for access to the river to the north, or more likely the south of the gorge. This might put any loading point 10km from Malton/Norton. However Evans has argued that significant use was made of road transport for distribution into the North-West over distances of up to 180 km (Evans 2000, 40). He has further suggested that Crambeck's success may in part relate to it being located near the edge of the 'predicted market areas of Malton, York and Shiptonthorpe' (Evans 1989, 80, fig. 5), thereby giving it access to a range of markets. Clearly both of these views may be valid, but given the accumulating evidence any predicted market model ought to perhaps now also take account of Stamford Bridge, given the expanding evidence for the site cited above. Whatever the value of the 'market areas' concept it seems probable that the pottery industry contributed to the local economy on a significant scale and that Malton/Norton would be the market centre to benefit most, possibly with some accruing to Stamford Bridge by virtue of its downstream location, even if much of the pottery was being purchased through some form of military contract in the later fourth century (Evans 1989, 77-78; 2000, 40).

The survival of the Malton/Norton civilian settlement into the late fourth century provides a contrast with the *vici* on and behind Hadrian's Wall. On the Wall and in Cumbria, Northumberland and County Durham, civilian sites were often abandoned before the forts with which they were associated. At Vindolanda this happened by perhaps AD 270 and at Brough by Sands by early in the fourth century (Snape 1991, 468). The pattern of early decline or abandonment of *vici* is seen away from Hadrian's Wall at Old Penrith – 'around the third quarter of the third century' (Austen 1991, 227) and at Chester-le-Street – by the mid fourth century at the latest (Dr. J. Evans *pers comm*). In Yorkshire at Castleford 'the bulk of the population appear to have abandoned the *vicus* in the mid to late 2nd century' (Abramson *et al* 1999, 151), although some kind of occupation was recognised for part of the third century in trench 10 (Abramson *et al* 1999, 304). This contrast would seem to support the suggestion that the civilian site at Malton/Norton had a vitality of its own and at least in part was not dependent on the military component of the site and would suggest that Catterick might be seen as a reasonable parallel – a site with a continuing military presence, but also with a vigorous civilian component (Wilson 2002a; 2002b). In the case of both Malton/Norton and Catterick the level of interaction with the surrounding area must have been significantly higher than that seen on the northern frontier, where it is possible to argue that the links between the northern *vici* and the local population were tenuous given the limited penetration of Romanised material culture into the countryside, particularly in Cumbria. With respect to Malton the presence of high status settlements in the surrounding area has been noted above, but lesser rectilinear buildings are also known on smaller-scale sites, such as Brough Hill Settrington – a rectilinear building of several rooms (Ramm 1978, 76-7) and Old Pasture, Spaunton – a fourth-century aisled building (Whitaker 1967). Equally the presence of Crambeck pottery on many minor sites in the East Yorkshire countryside points to the existence of significant local trade, and again Malton/Norton is the obvious market centre for much of the area.

In attempting to understand the local economy it is not entirely clear to what extent the development of the Norton pottery industry, the most extensive commercial activity within the settlement, represents anything more than a response to local demand. It appears primarily to have served the Malton/Norton area, but was strong enough to have monopolised 'greyware supply at and through Malton' in the third century (Evans 2000, 40), even in the face of the developing Crambeck industry that was to dominate pottery supply across the north of England during the fourth century. Norton products are known from Brough-on-Humber in the third century, Castleford in the early fourth century, and scattered examples of probable Norton sherds are known from sites in north-east England, including for example Vindolanda, Carrawburgh and South Shields, with occasional examples from other sites along Dere Street to the south of Hadrian's Wall (Evans 1988, 326). Its location would have given the Norton industry some advantages including direct access to the market represented by Malton/Norton and the local road network focused on the river crossing, along with the potential to exploit river transport. However its suburban location may possibly have been in some ways a handicap, and in particular may have required fuel and possibly clay to have been brought in from some distance, unless the local landscape incorporated managed woodland and clay pits.

The Roman period cemetery evidence from Malton/Norton is limited; we lack a large body of data derived from a single excavation, and most of the large number of inhumations and cremations known are recorded in antiquarian, or other non-archaeological sources. A degree

of uncertainty is generated by the antiquarian sources due to the imprecise nature of the terminology used, and in particular by references to 'urns'. The term 'urn(s)' could imply that the pot(s) was/were more-or-less complete and the most probable sources of complete pots are burials, either to hold cremations, or as grave goods in inhumations. However, unless the reference incorporates mention of skeletal material it is perhaps safe to assume that inhumations are not indicated in these cases, and cremations may be expected.

The distribution of recorded Roman period cemetery evidence in Malton appears broadly to conform to the expected model of burial sited alongside roads. Burials are known outside the north-east and north-west gates of the fort, and perhaps also the south-west gate. However bones recorded from St Leonard's churchyard in 1650 may not have been Roman in date (Robinson 1978, 31, no. 172), although an 'urn' from the area could well have been (Robinson 1978, 26, no. 79). These, along with the burials from near the river and southern corner of the fort, might be taken to suggest that the cemeteries were established in areas where the development of occupation areas was not expected. An alternative view, that so far we have only seen later Roman burials and that occupation had contracted by the time most of the known burials were made, seems improbable to this writer, particularly given the evidence for cremation, which is generally believed to be the earlier rite (but see below).

The distribution of burials could suggest that the development of the civilian component of Malton was planned, with settlement zoned in the area south-west of, and later over, the defended annexes, but not anticipated elsewhere, given the legal requirement to separate burial from occupation. However there are a number of difficulties with this suggestion. It appears that when the railway was constructed burials may have been found along much of its length between the north-east gate of the fort and the river, suggesting an extensive cemetery zone away from the known road that extends towards the New Rugby Club site and Old Malton (Robinson 1978, 26, no. 79). Equally the occupation in those areas, and particularly at the New Rugby Club site, as well as along Old Maltongate and in the Sheepfoot Hill area suggests that the initial expectations of the settlement were exceeded and settlement extended over or around cemetery areas. Does this mean that the cemeteries so affected had gone out of use by the time the occupation areas expanded, or did they survive in islands within it? As the limited evidence that we have suggests that we have mixed-rite cemeteries, the latter seems more likely. We know that cremation burial did extend into the fourth century in the north, for example Brough-under-Stainmore (M. Jones 1977) and Birdoswald, and also in other parts of the country, for example at Lankhills, Winchester (Clarke 1979, 128-30), and Kelvedon Site J (Philpott 1991, table 8). Despite this inhumation can be accepted as generally the later of the two rites and the existence of mixed cemeteries suggests that that they were in use for some considerable time. Equally in discussing discoveries outside the north-east gate of the fort, particularly a possible gypsum burial and at a higher level 'two cinerary urns of calcite gritted ware', Corder (1930, 26) concluded that they must have all belonged 'to a late period of occupation'. If there were something of a breakdown in observance of the law that forbade the intermingling of occupation and burial Malton/Norton would not be unique, as a similar occurrence has been suggested for York (R. F. J. Jones 1984, 40).

The burials recorded in Norton can be divided into two main groups, or cemetery areas. One apparently focused on the junction of the known Roman roads to Settrington (Margary 1973, no. 812) and North Grimston (Margary 1973, no. 813), taking in those burials known

from the Wood Street/Beverley Road and Commercial Road areas and the other on the line of the modern Langton Road. Langton Road appears likely to be on the line of a Roman road, possibly an alternative route to Brough-on-Humber that could have joined road Margary 29 (Margary 1973, 419-20) some 10-12 km south-east of the latter's junction with the York to Malton road (Margary 1973, no. 81a). This second cemetery could possibly incorporate the burials in the Howe Road/The Grove area. Again there appears to be a mixing of cremations and inhumations within the cemeteries. In the Settrington/North Grimston roads area there are few details about the discoveries north of the road, but it is clear from nineteenth-century references that there was a substantial concentration of burials of both rites here. To the south of the road the balance appears to be towards inhumation burials, but the references are brief and the fullest of them does include cremation material. The sources for the area to the north of the road are similar and it is probable therefore that the quality of the information is also similar. The burials in this area have been recorded over an area c. 400 m by 300 m in extent, suggesting a major cemetery, but it must be noted that interspersed amongst the burials are many discoveries of structural material, calling into question the extent of the area occupied by the cemetery, and the relative periods of use of the area for burial and for occupation.

The cemetery area centred on Langton Road extends for 650 m south from the junction with Commercial Road. The evidence suggests a mixing of rites throughout the cemetery; again with evidence for Roman period structural remains within the area of the 'cemetery'. What cannot be clear from the record, at least within the northern part of the distribution, is if we are dealing with a continuous spread of cemetery material or a series of discrete areas, with areas of occupation between them, such as is apparently the case on the north-western side of York (R. F. J. Jones 1984, fig. 1). A hint that discrete areas might have existed is provided by the apparent existence of an enclosed cemetery at the Ridings (Robinson 1978, 39, no. 355) – compare the late second- to late fourth-/fifth-century enclosed cemetery at Bainesse near Catterick which was surrounded by occupation areas for at the least the first 150 years of its use (Wilson 2002a, 164-80). That having been said it is probable that all cemetery areas were delimited in some way, and although the recognition of the extent of the burial area is of interest, it is perhaps not crucial to the broad understanding of mortuary practice in Malton/Norton. The significance of cemetery boundaries in symbolic and social, or perhaps ethnographic terms, beyond the simple separating of burial from other activity, or the exclusion of animals from the cemetery area, would require epigraphic evidence and/or possibly extensive scientific analysis of burial groups, data currently only available from a very limited number of sites in Roman Britain. However the recent Brougham report has demonstrated the potential of cemetery assemblages to address questions relating to cultural background and ethnicity (Cool 2004, 464-66).

The Ridings/98 Langton Road enclosed cemetery is the only area of burial activity that is in any way closely dated from Malton/Norton. Hayes states that the relative dating of the cremations and inhumations from the first discovery was not clear, but that some at least of both cremations and inhumations were associated with Knapton and Norton type pottery (Evans 1988, 77-80), which suggests that the two rites probably overlapped, even if they were not both current for the full duration of the use of the cemetery. The pottery suggests that the period of use fell within the third and perhaps early fourth centuries. In discussing the ethnicity of those buried in the Brougham cemetery McKinley has observed that 'cremation had remained pre-

dominant amongst the northern Germanic peoples, particularly in the Saxon coastlands' (McKinley 2004, 308). Although tenuous, this may give us a hint of the possible origins of a significant element of the population – it may be that the later third-/fourth-century garrison of the fort (the largest potential intrusive group in the settlement) may have been of Germanic origin, thereby accounting for the persistence of cremation, and perhaps its continued use or re-adoption by elements of the local population.

There are two objects of Germanic type from Malton that might support this suggestion. The first is a brooch – a Meyer (1960) series I *Bügelknopffibel* with polyhedral knobs that probably from a burial found before 1866 (Robinson 1978, 40, no 378; Eagles 1979, 67, fig. 110) and the second a silver propeller-shaped belt stiffener (*Propellerformige Verstärker*) found by the late Tony Pacitto with a metal detector during the New Rugby Club project. Eagles (1979, 67) notes that Meyer cites dated examples of *Bügelknopffibeln* from the mid third to the early sixth centuries and suggests that it might 'have belonged to a German officer in the late Roman army, while Robinson (1978, 40, no 378) suggests a late fourth- or fifth-century date. If there was a Germanic garrison from the later third century as suggested above it is possible that the *Bügelknopffibel* need not be late as Eagles and Robinson suggest, or if later demonstrate that later generations of soldiers retained a taste for elements of an ethnically distinct material culture. However 'military equipment' such belt stiffeners are well known along the northern frontiers of the Roman Empire and the types of belt decorated with them were probably worn by Imperial officials, as well as by soldiers and may not relate to the ethnic origin of the wearer and the same caution might apply to the *Bügelknopffibel* and therefore neither object need necessarily relate to the ethnic origins of garrison or the cultural preferences of the inhabitants of Malton/Norton.

Given the relatively late date of the The Ridings/98 Langton Road cemetery it appears likely that the areas used for burial had spread south along the line of the Roman road. However, in York it is apparent that many of the cemeteries of the first and second centuries are relatively remote from the fortress and town. This can possibly be explained by a desire to ensure that the cemeteries remained outside the occupied area of the site as it developed, the later cemeteries, lying closer to the fortress and town, representing an acknowledgement of the failure of occupation to expand to the extent initially allowed for (R. F. J. Jones 1984, 37). In Malton the lack of dated graves from the areas surrounding the fort and from the cemetery areas in Norton closest to the river crossing does not preclude there having been such planning. However the existence of a relatively late cemetery at a considerable distance from the apparent focus of occupation does suggest that the cemeteries of Malton/Norton may represent a relatively unstructured development. It is possible to envisage a situation where 'prime sites' on the approach roads were in relatively short supply forcing the use of areas further and further away from the fort and core of the civilian settlement. It may be that particular locations were regarded as more prestigious than others and in the case of Malton/Norton it might be that Langton Road, suggested above as one of the roads to Brough-on-Humber and the Humber crossing, held this status.

The discussion of the burials from Norton has been in terms of two cemeteries and it would appear clear that the distribution of known burials does coincide with the Roman roads as suggested above, as defined the two areas come within almost 100 m of each other near the assumed junction of the Roman roads. It may be that the original focus of burial activity was

the major road junction on the southern side of the river crossing (the area of the modern Langton Road/Wood Street junction), although we should note the Antonine building at the north end of Langton Road (above). Accepting that the record is necessarily biased by the chance nature of the discoveries, and the nature of much of the recording, it may be that this cemetery area respected the limits of the main area of occupation around the river crossing, although some evidence of occupation is known from both cemeteries, as is mentioned above for the area to the north of the Settrington Roman road. What is not clear is the status of this occupation. Many of the non-burial discoveries in Norton away from the river relate to the extensive pottery industry (see above), and others may do. Therefore it would appear that the law forbidding burial inside settlements may not have applied, or was not applied to areas of industrial activity, but it is not clear how far industrial activity and domestic occupation were separated – for example the possible ‘industrial’ sites recorded in Langton Road in an area also containing cemeteries (Hayes 1988, 86-9). What we may be seeing in Norton is a disregard for the law away from the main part of the *vicus*, a situation paralleled to the south of the *colonia* at York, where buildings recorded in Clementhorpe lay between apparently contemporary cemetery areas at Baile Hill and in Clementhorpe (Brinklow *et al* 1986).

Crouched, or otherwise contracted burials were a feature of the enclosed cemetery on Langton Road; of the twenty-six inhumations reported by Hayes, seven (26.9%) were not fully extended. This, coupled with antiquarian references to at least six crouched, or ‘doubled-up’ burials, suggests that if Radley is correct and crouched burials represent the local pre-Roman burial tradition (Radley 1974, 13), the corpus of burials from Malton/Norton may demonstrate a greater conservatism in rite than is seen in York where Roman period crouched burials are not common. It is perhaps significant that there are no crouched burials dated to the fourth century from Malton/Norton (Philpott 1991, 57), but as evidence of change this must be treated with caution given the lack of a substantial excavated cemetery. Similarly the presence of extended inhumations ‘with more romanised furniture and treatment of the body’ at an earlier date in Malton than in Norton (Philpott 1991, 57), may be significant. However the limited data sets preclude an over-reliance on the evidence currently available, although in broad terms it accords with the apparent conservatism suggested above.

CONCLUDING SUMMARY

It is hoped that this paper has shown some of the potential inherent in the data that we already have for Malton/Norton, and also some of its weaknesses and *lacunae*. That having been said it is perhaps possible to make some statements regarding Roman Malton/Norton:

- The site is likely to be the *Delgovicia* of the *Antonine Itinerary*;
- The fort was occupied for most Roman period, saving a gap in occupation in the Hadrianic/Early Antonine period
- In the Trajanic period the fort had an annexe, or was associated with a defended *vicus*;
- The garrison was an *ala quingenaria*, the *Ala Picentiana*, during the Antonine period (post c. AD 158) and possibly a Germanic unit later in the history of the site;
- Over the life of the settlement civilian occupation extended to areas occupying at least 20 ha, although not all that area was necessarily in contemporary occupation;
- The core of the civilian settlement was in Orchard Field outside the *porta praetoria* and

this area was provided with new defences in the third century;

- Civilian occupation developed outside the other three gates of the fort;
- In the case of area outside the north-east gate the occupation took the form of ribbon development extending towards Old Malton;
- On the Norton side of the river there were extensive areas of occupation that survived the decline of the pottery industry in the early fourth century.
- Together the civilian components of Malton/Norton represent an extensive and by the fourth century, at least in the Orchard Field area, intensive settlement with high status attributes.
- Malton/Norton probably possessed a diverse economic base functioning as a local market centre, associated with the Norton and Crambeck pottery industries, as well as supporting high-value craft activity, as evidenced by the goldsmiths shop, as well as serving the needs of the fort garrison.
- The civilian occupation survives to the end of the Roman period and into the fifth century, albeit apparently concentrated on the defended core of the settlement and later within the defensive ditch that was cut across the Town House and Kiln Building,

In the view of this author the size of the civilian settlement, combined with what evidence we have for its economic base suggests strongly that it should be considered a ‘small town’ comparable with sites such as Catterick, and not simply a *vicus* primarily dependant on the fort garrison for its survival and/or prosperity.

In trying to further advance our understanding the sort of data-sets that derive from large-scale modern excavation would be most welcome. However in their absence the continued gradual accrual of evidence from PPG16-inspired work will help fill-out the picture, but only if future workers are willing to undertake syntheses of the type attempted here.

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FLAXTON – THE LAYOUT OF THE ORIGINAL PLANNED SETTLEMENT

By David Bourne

The purpose of this article is to attempt to establish that the village settlement of Flaxton as recorded on the 1911 edition of the 1/2500 scale Ordnance Survey map of the area may represent remarkably faithfully the planned single-row settlement as it existed at the time of the Domesday survey in 1086, with the plot frontages of Domesday still largely to be discerned on the ground.

There are four distinct stages in the exercise: (1) The number of oxgangs or bovates in the township of Flaxton at Domesday, (2) The relationship in Flaxton of two oxgangs to one tenement, (3) The relationship between the number of tenements and the length of the frontage and (4) The sequence of events and their dating. The end result is rather similar to a four-storied house of cards – it may all too easily be demolished!

In the event, the research has led to the belief that the planned single-row settlement already existed at the time of the Conquest in 1066.

INTRODUCTION

Flaxton is a compact, near-rectangular parish in North Yorkshire lying about 15 kilometres (9 miles) north-east of York and 2 kilometres (1.25 miles) north-west of the A.64 road between York and Scarborough. The parish has an area of approximately 746 hectares (1,865 acres) and measures approximately 4km by 2km (2.5 by 1.25 miles), with its long axis lying north-east to south-west. Flaxton village itself is in the middle of the parish and is laid out very largely on the north-eastern side of a long Green. The parish is served by two principal roads in the shape of a 'T', one bisecting the parish and running broadly north-west to south-east from Sheriff Hutton to the A.64 and passing through the Green; the other from Strensall and York, meeting the first in the middle of the village. (See Fig. 1)

The village faces south-west and lies on or close to the 30m contour. Behind the village the land rises gently and is rolling in nature, with a high point of 42m towards the north-eastern boundary of the parish. To the west and south-west the land is much less undulating and falls away slowly to a stream, the boundary with Strensall Common, and the 20m contour.

Much broad ridge-and-furrow land existed until the 1939–45 war and aerial photographs of the parish, taken by the RAF in 1946, show vestiges of this extending over virtually all the land from south-east of the village, round through north to the north-west. Only towards the west round to south is it absent, indicative of the low-lying and wet nature of the soils in this area before post-enclosure land drainage. The presence of this former wetland area helps explain the earlier name of the township, *Flaxton on the Moor*. Prior to enclosure in 1658 this wetland area, which represented over 40 per cent of the area of the township excluding the village and its Green, was known as the common or moor of Flaxton. The few woodland areas in the parish are all post enclosure and it would seem that prior to this the inhabitants must have obtained all their wood for fuel and other purposes from trees growing on the common or moor.

Until 1861 Flaxton was a township in the parishes of Bossall and Foston, with three-quarters lying within Bossall and the remaining quarter within Foston, the Foston lands in the township being scattered across the township following enclosure in 1658, and the Foston village houses being grouped in the middle of the single-row settlement.

(1) THE NUMBER OF OXGANGS IN THE TOWNSHIP OF FLAXTON AT THE TIME OF THE DOMESDAY SURVEY

The entries in Domesday Book for Flaxton are extremely brief, lacking valuations and any information about the inhabitants. According to Domesday the vill or township of Flaxton was assessed as follows:

The king	2½ carucates;
The archbishop	6 oxgangs (¾ of a carucate);
Count Alan	1½ carucates (as a soke of Foston).

In addition Hugh son of Baldric was assessed on 6¼ carucates in the manor of Buttercrambe and its two berewicks of Scrayingham and Flaxton, no allocation between the three elements being given. At the Conquest in 1066, the king’s lands were held by three unnamed thanes, while the archbishop was preceded by Ulfr, count Alan by earl Morcar, and Hugh by Egelfride.¹

William Farrer, in his edition of the Yorkshire Domesday text, allocated, in brackets, 2 oxgangs of the 6¼ carucates in the manor of Buttercrambe to Flaxton, but did not give his reasoning for so doing.² Later, Sir Charles Clay, when listing the Domesday holdings of Hugh son of Baldric recovered by Robert de Stuteville the third as tenancies-in-chief, used the same allocation, but had stated earlier that his work was based on Farrer’s manuscripts.³ Subsequent editors of the Yorkshire Domesday text have not attempted an allocation. If Farrer and Clay are correct, and on the basis of 8 bovates, or oxgangs, to one carucate, the overall assessment for Flaxton becomes 5 carucates or 40 oxgangs.

It has been argued by the author in an earlier article that at Domesday Flaxton was assessed at 6 carucates or 48 oxgangs, and not as implied by Farrer and Clay.⁴ The justification given for the increase from 5 to 6 carucates was evidence indicating that Hugh’s holding in Flaxton was probably 10 and not 2 oxgangs. Most of Hugh’s holdings in Yorkshire at the time of Domesday came into the hands of Robert de Stuteville and then descended down the de Stuteville line to Joan de Stuteville who married for her first husband, Hugh Wake. Her heir was their son Baldwyn Wake who died in 1282. The inquisition post mortem which followed his death included among his properties the manor of Buttercrambe and, on the dorse, a record of the knights’ fees pertaining to the manor. Among them was the entry ‘Richard de Dunstapel holds the tenth part of one fee in Flaxton’.⁵ The inquisition post mortem of 1349 of Thomas Wake, grandson of Baldwyn, extended the phrasing to ‘Peter de

¹ M. Faull and M. Stinson, eds, *Domesday Book: Yorkshire*, (1986), pp.300d, 303b, 313b & 381a; also p.328a for Hugh son of Baldric.
² William Page, ed., *Victoria County History of the County of York* vol.2, (London, 1912) hereafter *VCH*], p.276.
³ C. T. Clay, ed., *Early Yorkshire Charters*, vol.9, (1952), p.74.
⁴ D. Bourne, ‘Flaxton: a Township in two Parishes’, *YAJ*, 74, (2002), 55–167.
⁵ The National Archives. Kew [hereafter TNA], C133/31 m.4.

Rithre chaplain and John de Dunstaple hold certain tenements in Flaxton by service of 1/10th part of a knight's fee worth yearly 60s'.⁶ The inquisition post mortem of 1353 of John earl of Kent, nephew of Thomas, included 'Peter de Rithre and John de Dunstaple held of the aforesaid count at the day he died those tenements in Flaxton for the service of 1/10th of a knight's fee valued per annum £3'.⁷ Finally, though not in time, a fine of 1268, by which Patrick de Westewych acquired the freehold of 10 oxgangs in Flaxton, paying homage to Robert de Neville, specifically equated one-tenth of a knight's fee with 10 oxgangs.⁸

Recently, further evidence has been discovered relating to Richard de Dunstapel's holding in Flaxton. This is a deed of gift, said to be dated before 1290, by Richard de Dunstapel to Patrick de West Wyc of 'half a carucate of land excepting his tofts at Flaxton the other half carucate being demised to Sir John Baudwyn of York rendering service in proportion where 10 carucates make the forinsec service of one knight's fee'.⁹ It should be noted that the latter part of the statement is contrary to the statement in the fine of 1268 mentioned above, giving as it does only 80 oxgangs to a knight's fee as opposed to 100. Further variations on this theme are given (1) in a list of knights' fees for 1302–3 which states that in Flaxton there were 12 carucates (96 oxgangs) in a knight's fee,¹⁰ and (2) in *Feudal Aids* vol. VI. for 1346 which states 15 carucates (120 oxgangs) in a fee; though in this last case eight other townships are also listed before the statement is made which may have confused the issue.¹¹ All-in-all a certain vagueness seems to have existed on the matter. Whatever the position regarding the number of oxgangs or carucates to a fee, the deed of gift confirms that Richard de Dunstapel had held certainly not less than 1 carucate or 8 oxgangs in Flaxton at some time prior to 1290.

In the same archive as the above deed of gift are two deeds of 1341 and 1349 to which a Peter de Rithra was a party, which related to unspecified and undifferentiated property in Flaxton and two other places.¹² This may well have related to the de Dunstapel holding mentioned in the inquisitions post mortem of 1349 and 1353 in which Rithra's name was joined with that of John de Dunstaple.

The de Dunstapel family is first encountered in Flaxton as early as 1226 in a fine between Richard son of Richard de Dunstapel and Henry prior of Marton relating to one oxgang of land in the township.¹³ In 1293 Robert de Dunstapel was occupier of a toft and croft and one oxgang neighbouring a property being conveyed.¹⁴ Members of the family were assessed in 1301 and again in 1327 but not, as it happens, in 1332.¹⁵ The inquisitions post mortem of 1353 mentioned above is the last relevant reference to the family: subsequent inquisitions post mortem of the earls of Kent and their wives, widows or daughters through to 1426

⁶ TNA, C135/97 m.18.

⁷ TNA, C135/118 m.40.

⁸ TNA, CP25/1/265/50 no.38.

⁹ West] Yorkshire Archive Service, Leeds [hereafter WYAS], WYL639/141, Weston MSS,

¹⁰ York Minster Archives [hereafter YMA], L2(2)c. f. 60.

¹¹ TNA, Calendars, *Feudal Aids*, 6, p.212.

¹² WYAS, WYL639/187 and WYL639/189.

¹³ TNA, CP25/1/262/21 no.191.

¹⁴ YMA, MS XVI A.1, Cartulary of St Mary's Abbey, York, f.170.

¹⁵ W. Brown, ed., *Yorkshire Lay Subsidies*, Yorkshire Archaeological Society Record Series, 21, (1897), p.74; TNA, E179/211/6; E179/211/7A.

continue to mention the names Rithra and de Dunstable but always in the context of their having formerly held the Flaxton element of the manor of Buttercrambe.¹⁶ Members of the de Dunstapel family were also witnesses, along with other local individuals, to some of the early fourteenth-century deeds relating to the Draft Farm tenement mentioned below. It would seem, therefore, that the family lived locally and quite possibly farmed much of their land themselves.

All of the above is written with the intent of establishing from the medieval period evidence that, despite Farrer and Clay, Flaxton was probably – though not necessarily precisely – assessed at 6 carucates or 48 oxgangs at Domesday. But what is the evidence from later times to support this view?

Strong evidence is provided by recently catalogued copies, dated 1808, of a small group of Flaxton-related manuscripts, formerly in the possession of Dr C. S. Orwin of Oxford University, including an incomplete but contemporary copy of the enclosure award for Flaxton of 1658. It is clear that the award was not accompanied by an award map. One of the other manuscripts indicates that Sir Thomas Norcliffe of Langton, lord of the manor of Foston and therefore of the Foston quarter of Flaxton, and also the most substantial freeholder in Flaxton at the time, was the moving spirit behind the decision to enclose. Sir Thomas, together with the great majority of the other freeholders, small and large, and the rector of Foston all agreed to be bound in the sum of £100 each to abide by the award of the appointed commissioners.¹⁷ The rector of Bossall, the dean and chapter of Durham, being suspended at the time of the Protectorate, was not involved.

In the section in the award concerned with tithes the named occupiers of 12½ oxgangs in the Foston quarter of the township were stated as due to pay the rector of Foston 2s. 6d. an oxgang yearly and the occupiers, unnamed, of a further 37½ oxgangs were due to pay likewise to the vicar of Bossall, confirming a total of 50 oxgangs at 1658. A terrier of 1685 for Foston church stated that the rector of Foston was entitled to ‘the tith of 12 oxgan of land & the fourth part of the tith ... of 2 oxgan of gleab in Flaxton belonging to the vicar of Bossall’, confirming the 12½ oxgangs.¹⁸ Thus the extra half oxgang in Foston and the extra 1½ oxgangs in Bossall are clearly the 2 oxgangs of the vicar of Bossall and account for the increase from the anticipated Domesday total of 48 oxgangs to the overall total of 50 oxgangs. The 2 oxgangs of the vicar of Bossall presumably existed at Domesday but, if so, he was not assessed on them and there would seem to be no way of discovering whether or not they did in fact exist at that time, as the earliest known reference to the vicar having lands in Flaxton is in archbishop Gray’s register for 1228, still nearly 150 years after Domesday, where it was stated that the vicar (a William de Stuteville, as it happens) ‘shall pay no tithe for the improvement belonging to his lands at Flaxton’.¹⁹

¹⁶ TNA, E149/106 (2) m.2; C139/6 it.45; C139/13 it.46; C139/19 it.32; C139/24 it.36.

¹⁷ Bodleian Library, Oxford, MS. Top.York.E.32; MS. Eng. c.7100, f.102.

¹⁸ Borthwick Institute, University of York [hereafter BI], PR FOS 7–16, Foston Parish Records.

¹⁹ J. Raine, ed., ‘The Register, or Rolls, of Walter Gray, Lord Archbishop of York’, *Surtees Society* 56 (1872), p.20, XCII, 1227/8.

CONCLUSION

The conclusion is that at the time of the Domesday survey Flaxton township was assessed on 48 oxgangs, and that (probably) there were a further 2, unassessed, oxgangs of glebe land of the vicar of Bossall.

It is of note, and reassuring, that 48 oxgangs equates with six carucates, and that six carucates appears to be a basic geld assessment for a Yorkshire vill at Domesday, thus reinforcing the appropriateness of an assessment of 48 oxgangs.²⁰

(2) THE RELATIONSHIP IN FLAXTON OF TWO OXGANGS TO ONE TENEMENT AT DOMESDAY

There is evidence from across the country that at the time of the Domesday survey the size of a standard peasant's holding in arable areas was a yardland in much of the south of the country and two oxgangs in the north, in each case usually totalling around thirty acres in extent, though the actual area could vary quite considerably depending upon a number of factors.²¹ But does the evidence from Flaxton support this thinking?

It is appropriate to consider the four holdings in the Domesday survey, but first to look briefly at the situation at the time of the Dissolution of the monasteries.

At the Dissolution, nine religious foundations held property in Flaxton. Of these, St Mary's abbey, York, held the Domesday holding of count Alan's soke in the township, and the prior of Hexham held the holding of the archbishop, with the remaining seven holdings all appearing to stem – some certainly and some less so – from the holding of the king; leaving only the holding of Hugh son of Baldric outside the fold of the church.

There are surveys as at the Dissolution for six of the nine foundations; (1) St Mary's abbey, York; (2) St Andrew's priory, York; (3) Marton priory; (4) Kirkham priory; (5) Nunburnholme priory; and (6) the Chantry of our Lady, the parish of St John the Baptist at Ouse Bridge End, York: No surveys have been discovered for (1) Durham College, Oxford; (2) Hexham priory; or (3) the Chapel of St Helen, Wilton (this was a very small holding only).²²

COUNT ALAN'S HOLDING

As far as count Alan's Foston soke of one and a half carucates or twelve oxgangs in Flaxton is concerned, the evidence for six plots or tenements has been set out in detail in the earlier article by the author referred to above (footnote 4) and it will not be repeated here at length. Briefly, count Stephen, successor to count Alan, granted the manor of Foston together with its Flaxton soke to the abbot of St Mary's, York, with whom it remained until the dissolution of the abbey. The survey at the time of the Dissolution listed six tenements and eleven

²⁰ D. M. Palliser, 'An Introduction to the Yorkshire Domesday', in A. Williams, ed., *The Yorkshire Domesday* (1992), vol.1, p.16.

²¹ Palliser, 'Introduction', p.15.

²² TNA, SC6/27-28HENVIII/4519 m.1; SC6/27-28HENVIII/4493 m.1d; SC6/30-31HENVIII/4557m.2; SC6/30-31HENVIII/4563 m.1; SC6/31-32HENVIII/4595 m.10; W. Page, ed., 'The Certificates of the Commissioners appointed to survey the Chantries, Guilds, Hospitals, etc. in the County of York', *Surtees Society*, 91 (1894), p.79.

oxgangs, but later evidence indicated that there must actually have been twelve oxgangs.²³ The evidence of the relationship of two oxgangs to one tenement at Domesday is inferential, dating as it does from the time of the Dissolution and later, but is not to be discounted.

THE KING’S HOLDING

While there is no further specific reference subsequent to Domesday to the Flaxton holding, the king’s twenty oxgangs in Flaxton appear to have been granted to the Fossards as part of the manor of Sheriff Hutton, and then re-granted, first to the Turnhams and then to the Mauleys, as successive lords of the manor of Mulgrave.²⁴ In 1331 the then Peter de Mauley the elder released his interest in the manor of Sheriff Hutton, which in this context again seems to have included Flaxton, to Sir Ralph de Nevill of Raby and Sheriff Hutton, whose family had held under the Mauleys and their predecessors since the latter part of the twelfth century when Geoffrey de Nevill had married Emma, daughter of Bertram de Bulmer of Sheriff Hutton.²⁵

The Nevills (and perhaps the Mauleys while holding in chief) seem, over the years, to have granted all their lands in Flaxton to religious institutions, while at the same time retaining their manorial interest. Certainly the Nevills gave 11½ oxgangs to St Andrew’s, York, in 1359 and a further 2 oxgangs to Durham College, Oxford, at the time of its foundation in 1384.²⁶ The remaining 6½ of the king’s 20 oxgangs found their way by means largely unknown, two each, into the hands of Marton priory, Nunburnholme priory, and a chantry in York, with small, non-oxgang holdings going to Kirkham priory and, through a gift as late as 1529 by Sir William Bulmer, to a chapel in Wilton in Cleveland (a John de Bulmer had held land from the Nevills in Wilton in Cleveland in 1281–2).²⁷

The relevant surveys at the time of the Dissolution of the monasteries give the following:

Priory of St Andrew, York	6 tenements with 11 ½ oxgangs;
Priory of Marton	1 tenement with 2 oxgangs;
Priory of Nunburnholme	1 tenement with 2 oxgangs and 3 parcels of Forbyland;
Priory of Kirkham	1 tenement;
Chantry of Our Lady, Parish of St John the Baptist at Ouse Bridge End	1 tenement with 2 oxgangs.
No survey has been found for the Chapel of St Helen’s, Wilton, but a lease of 1564 relates to	2 tenements with a few acres.

²³ Early Yorkshire Charters, 4, ed. C. T. Clay (1935), p.4; TNA, SC6/31–32HENVIII/4595 mm. 1, 10; LR1/171 Liber E, F, G, fol. 44; East Riding of Yorkshire Archive and Record Service, DDEL35/1, Langton MSS: Bourne, YAJ, 74, pp.162–5.
²⁴ *VCH*, p.176.
²⁵ *Calendar Ancient Deeds*, 2, p.38, B3259.
²⁶ TNA, C143/328/7; CPR 7 Richard 2 Pt. 2, m. 28.
²⁷ J. Raine, ed., ‘Testamenta Eboracensia. A Selections of Wills from the Registry at York, vol. V’, *Surtees Society*, 79 (1884), pp.306–19.

Neither has a survey been found for Durham College, Oxford, but presumably as originally granted

1 tenement with 2 oxgangs.

TOTAL

13 tenements and 19½ oxgangs.

Thus the king's Domesday holding of 20 oxgangs can be identified at the Dissolution with (1) 10 tenements with 19½ oxgangs and 3 parcels of Forbyland and (2) 3 tenements with a few acres.

If there are problems, they are twofold. First, that in the list of knights' fees of 1302–3, mentioned earlier, Ranulph de Nevill was stated to hold 3 carucates in Flaxton from Peter de Mauley, whereas on the face of it the holding should have been 2½ carucates only. This remains an anomaly. Secondly the grant to St Andrew's, York, of 1359 was of '10 tofts and 11½ bovates'. This suggests some flexibility over the years in the number of tofts, with tofts being sub-divided or amalgamated as needs arose.

THE ARCHBISHOP'S HOLDING

In the twelfth century the archbishop's holding of six oxgangs was granted by archbishop Thurston to the prior of Hexham as part of the prebend of Salton and was held by the priory until its dissolution.²⁸ A terrier, said to date from 1294–5, stated that the prebendary had 'in Flaxton three tenements each with two oxgangs paying in total 66s. 8d'.²⁹ Another terrier, also undated but said to date from the latter half of the fifteenth century, refers to 'two tenements with six oxgangs, of which one tenement with two oxgangs was occupied by John Place at the east side of the town at the south end and the other tenement with four oxgangs by William Watson next to it to the north': It would seem that two tenements had been amalgamated since the time of the earlier document.³⁰ Finally, there is the Black Book of Hexham, a 1479 survey of the priory's lands. The information contained in the document was derived from returns provided to the priory over a period of at least two years before that date. Presumably it post-dated the second terrier above, but it cannot have been by long. Now a Richard, not John, Place occupied 'per cartam' a toft and one oxgang described as 'libera firma'. In addition five oxgangs, estimated at fifteen acres each and described as 'de bond', were held by Richard Place (again) with two tofts and two oxgangs, and a William Raynerson with two tofts and three oxgangs.³¹ Thus, all three terriers confirm the continuation of the six oxgangs, initially with three tenements, reducing to two and then increasing to five. No survey of the prebendary estate has been found for the Dissolution. However, following the dissolution of the priory the prebendary estate was granted by the king to Lord Eure for services rendered. The grant makes no mention of the Flaxton element but it seems certain that it must have been included as, by two separate fines of 1620, a subsequent Lord Eure disposed of (1) land, approximately the equivalent of the six oxgangs, in Flaxton to a

²⁸ J. Raine, ed., 'The Priory of Hexham, its Title Deeds, Black Book, etc., vol.II, *Surtees Society*, 46 (1864), p.vii

²⁹ Raine, 'Hexham', p.84; . T. A. M. Bishop, ed., 'Extents of the Prebends of York, c.1295', *Miscellanea*, IV, YAS Record Series, 94 (1936), p.17.

³⁰ Raine, 'Hexham', p.155.

³¹ Raine, 'Hexham', pp.80–1.

Timothy Draper esquire, an unidentified, non-Flaxton individual and (2) two messuages and some small parcels of land to Thomas Grave and Marmaduke Skaylinge, members of two long-standing Flaxton families, perhaps the sitting tenants.³² It is possible that there had been other, so far undiscovered, disposals of tenements earlier; more likely the number of tenements had simply reverted to the position referred to in the second terrier mentioned above.

HUGH'S HOLDING

The fourth Domesday holding was that of Hugh son of Baldric, and for this there is no evidence one way or the other that relates to the thinking that the typical Flaxton holding was represented by one tenement and two oxgangs. However, it is worth pointing out that the deed of gift of c.1290, referred to above, specifically stated that Richard de Dunstapel's tofts (in the plural) were excluded from the grant, which leaves open the possibility that prior to the gift there had been two tofts with the half carucate (4 oxgangs) of land included in the gift.

OTHER EXAMPLES

A charter of 1293 of Laurence de Boutham, in the cartulary of St Mary's, York, concerned with a toft and croft and three oxgangs, described the toft and croft as lying 'between lands of the prior and convent of Marton and the lands of Robert de Dunstapel', with two of the oxgangs as lying 'between lands of the said prior and lands of Agnes le Gra and the said Robert' and the third oxgang between lands of Walter son of Isaac on one side and Simon his brother on the other.³³ This suggests that the toft and the first two oxgangs were an original holding while the third oxgang was a separate acquisition. In the same cartulary is a series of charters of c.1316 relating to one toft with a croft and one oxgang and again involving the Isaac family, and it is tempting to conclude that the oxgang concerned is the same as or, better still, had at one time been paired with one or other of the neighbouring 'Isaac' oxgangs in the earlier charter.³⁴

Finally there is a fine of 1252 between Gilbert de Speton, petitioner, and William de Barton, tenant, relating to one toft and two oxgangs of land with appurtenances in Flaxton.³⁵

CONCLUSION

So much for the evidence that in Flaxton a typical holding at Domesday was one tenement and two oxgangs. None of it dates back to the Domesday survey itself. None indeed to within 150 years of Domesday. Yet it is, perhaps, in its own way, quite compelling and difficult to argue against. For why should such a pattern of one tenement to two oxgangs emerge if it were not indeed created at the outset?

³² TNA, C66/765.17 26HENVIII; CP25/2/382/17JAS1, EASTER.

³³ YMA, XVI A.1, f.170.

³⁴ YMA, XVI A.1, f.75.

³⁵ TNA, CP25/1/265/45 no.121.

(3) THE RELATIONSHIP BETWEEN THE NUMBER OF TENEMENTS AND THE LENGTH OF THE FRONTAGE IN FLAXTON

A simplified plan of the settlement including the Green and the Crofts and some of the adjoining land, adapted from the Ordnance Survey 1/2500-scale edition of 1911 (Fig 2).

Flaxton is essentially a single-row settlement, facing south-west over its Green. To the rear of the tenements and their garths is a Back Lane and over the lane is a series of Crofts. However, before considering the single-row settlement it is appropriate to look briefly at another area of the present village. Lying on the opposite side of the Green from the single row of tenements and, at first sight, seemingly taken partly out of the Green and partly out of what was the common or moor to the south-west, are two enclosures (outlined in bold on the plan). (1) The first enclosure comprises the present church, its churchyard and rectory (OS 167/168) and the site of two tenements (OS 169 and 170), the south-easterly one of which is now occupied by a property known as Draft Farm. The present church is on the site of a chapel-of-ease, dedicated like the church to St Lawrence, which had existed since certainly before 1316 when the chapel and both tenements were mentioned in a series of charters relating to the Draft Farm site.³⁶ The tenement site between the Draft Farm site and the chapel yard was occupied at the time by 'the parson's man', and this site together with the Draft Farm site were both held from the prior of Kirkham. The two corners of the enclosure on its south-west side, against what used to be the common or moor of Flaxton, are rounded, a familiar indication of ancient enclosures from moor land. (2) The second enclosure (OS 224), lies a little to the north-west and is similarly orientated, comprising a single tenement now known as Firtree House and also having rounded corners against the common or moor. It is likely to be of the same date or thereabouts. Unlike the single row of tenements on the other side of the Green, none of the three tenements has a croft attaching to it (the apparent croft to the rear of the Draft Farm site is an eighteenth century creation). It is suggested that these two enclosures, early though they might seem to be, are not original to the planned settlement and that the original planned settlement is restricted to the single row of tenements to the north-east of the Green. This suggestion is discussed further in section (4) below. It is also suggested that the Draft Farm plot would originally have been occupied by whoever farmed the vicar's two oxgangs and the plot between the last and the chapel site by the vicar's curate or chaplain.

Taken from the 1911 edition of the Ordnance Survey to a scale of 1/2500, and also checked on the ground, the overall length of the frontage of what is believed to be the probable original planned settlement is 2,445 feet (745 metres). The terminal points used for the measurement also existed, and made equal sense, on the 1856 edition of the 1/10560-scale Ordnance Survey and on the 1844 Tithe Award 1/2500-scale plan.³⁷ The south-eastern terminal point of the original settlement is clear and unambiguous on the ground and was adjoined by a part of the common or moor of Flaxton which was allotted at enclosure to the vicar of Bossall. The north-western terminal point is likewise clear, being adjoined by a close (OS 231/117) with ridge-and-furrow lands which extend from the northern corner of the

³⁶ YMA, XVI A.1, ff.331-3.

³⁷ BI, TA 432 M, Flaxton tithe award.

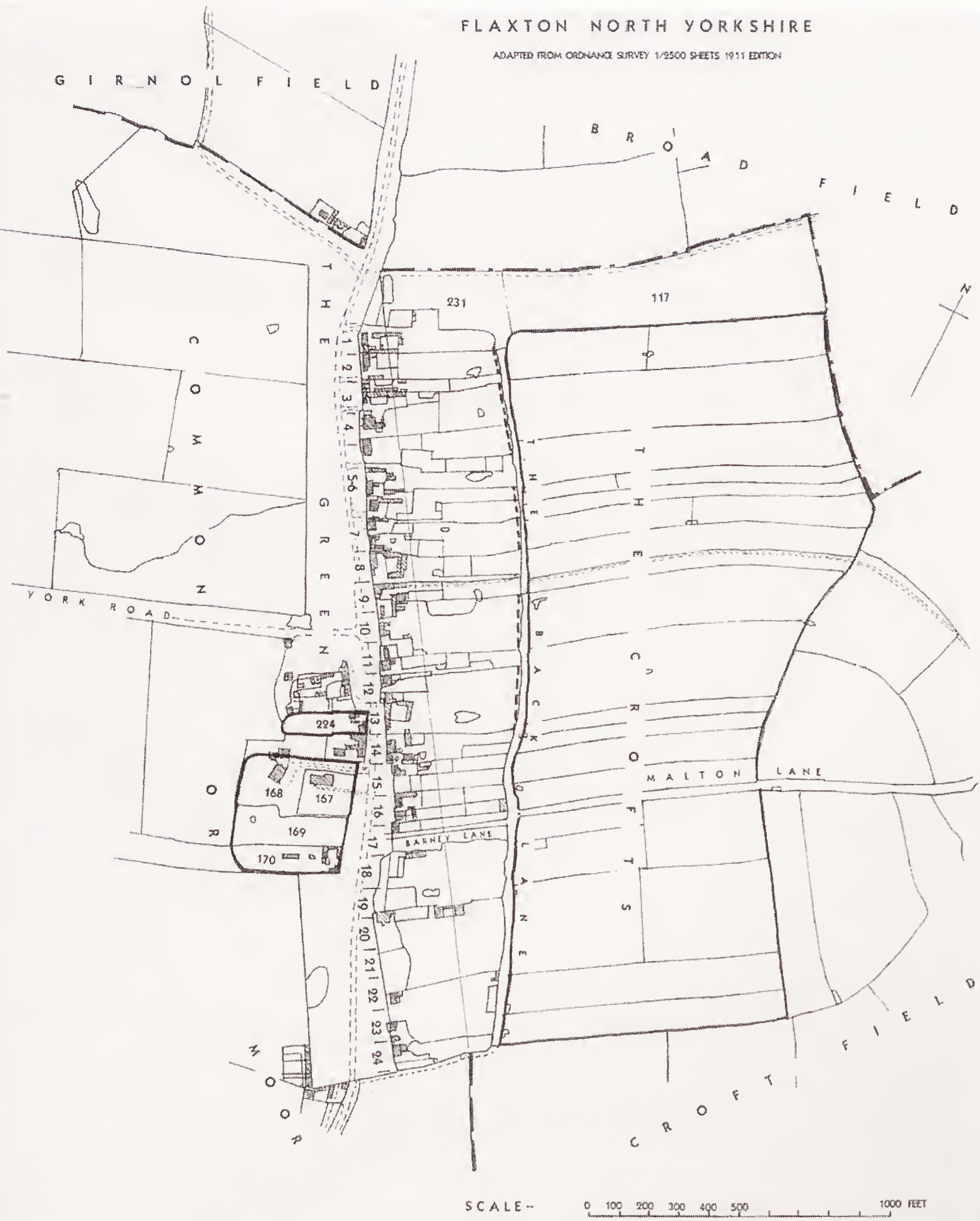


Fig.2. Plan of Flaxton settlement

Crofts through almost to the Green; and which probably once extended to the Green but are now terminated by a stackyard extension, present since certainly 1844, and a recent housing development. While a measurement of 2,445 feet is overlong, it is suggested it represents an acceptable length of frontage for 24 plots each of 100 feet (albeit incorporating an anomaly) based on a unit of five rods each of 20 feet: 24 plots accords with the proportion of one tenement to two oxgangs and the anticipated total of 48 oxgangs in the township. The alternative of a base unit of six rods each of 17 feet (2448 feet overall) has been considered but does not fit well when checked against the 1911 plot boundaries.³⁸

The frontage can be divided into three sections:

A north-west section with a frontage of 645 feet.

A middle, Foston section (as recorded on the Tithe Award map of 1844), of 600 feet.

A south-east section of 1200 feet.

The Foston section extends to one quarter of the frontage, ignoring the anomalous 45 feet, thus according precisely to the proportion which the number of Foston oxgangs bore to the anticipated whole (12:48).

It will be noted that the frontage of the settlement includes a narrow roadway (indeed named as Narrow Lane in the enclosure award) known as Barney Lane, leading from the Green through to the Back Lane and the Crofts, and to a track marked on the Ordnance Survey maps of 1856 and 1911 as 'Malton Lane', about which little is known and even when so named did not extend to the township boundary. (In the enclosure award of 1658 this track was named as Middlegate and, by its description, seems to have served as no more than a way to the large block of land to the east). There is a narrow strip of land to either side of Barney Lane, and these two strips and Barney Lane have between them a frontage of approximately 100 feet to the Green; the equivalent of an original plot. This equivalence is not considered to be a coincidence, The lane may have been part of the original planned settlement with the narrow plots to either side being later encroachments. In this event, the built-frontage will have been 100 feet less and the number of plots reduced to 23 only. However this would imply only 46 oxgangs against the 48 anticipated, and accordingly this thinking is discarded. Alternatively Barney Lane was inserted at the expense of one plot at the same time as the Back Lane was created, and this thought is pursued in section (4) below.

Many centuries have passed since the Domesday survey, and many changes have taken place over the years. However, an examination of Fig 3 gives broad support to the thesis of 24 original plots each with a frontage of 100 feet, with many of the 1911 property boundaries being coincident with the anticipated plot boundaries. The individual plots have been numbered on the Plan from 1 to 24, starting at the north-west end of the settlement. Plots 5 and 6 have been conjoined for reasons explained below.

³⁸ C. C. Taylor: Personal communication on plot widths based on a multiple of rods.

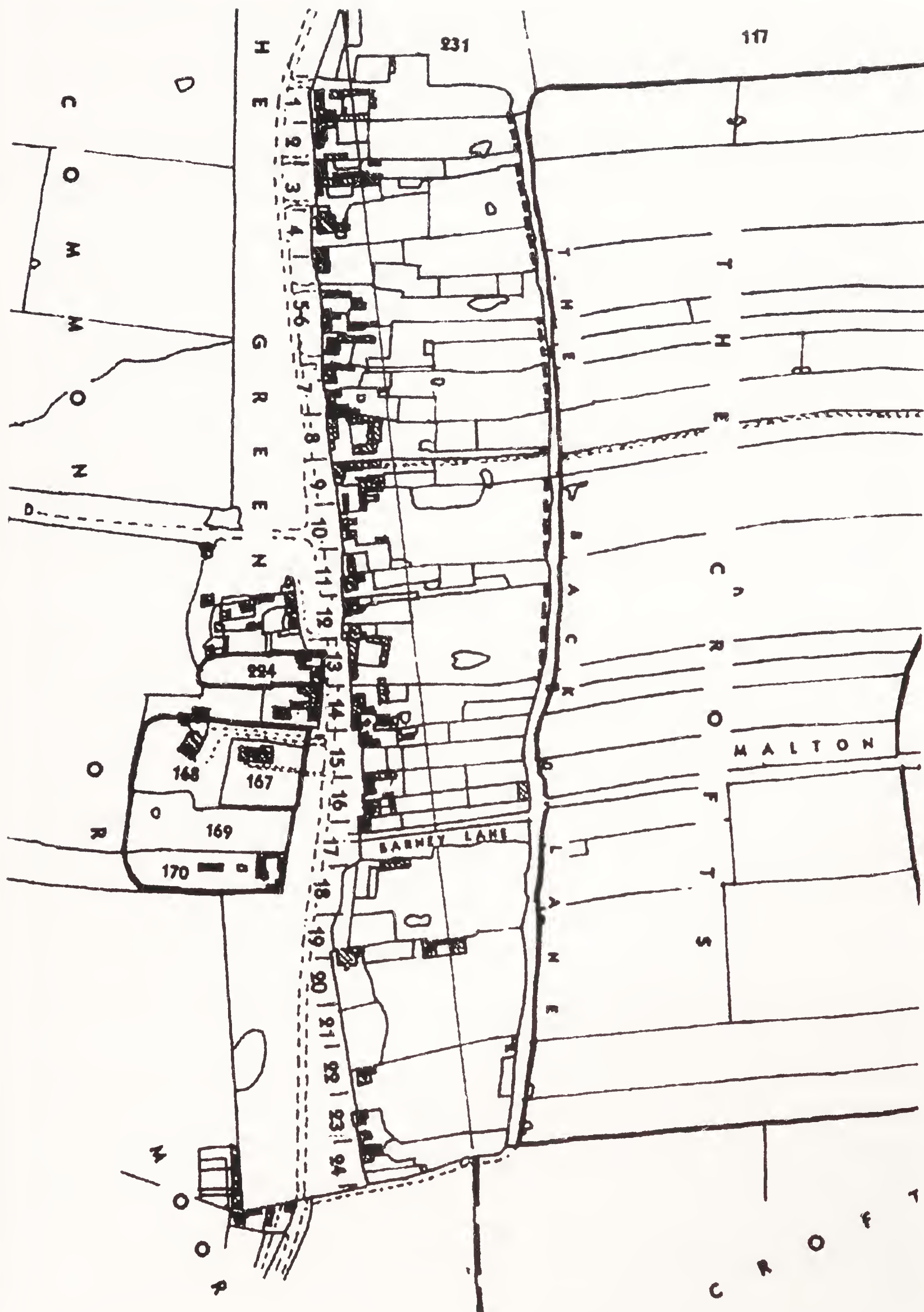


Fig.3. Plan of Flaxton settlement (detail)

At this juncture it may be as well to pause a moment and marshal what is known about the distribution of the Domesday holdings in the settlement:

(1) The 6 Foston tenements of count Alan are grouped together and confirmed as Plots 7–12.

(2) The 3 Hexham priory tenements of the archbishop are grouped together and are ‘at the east side of the town at the south end’ (Interpreted as meaning ‘at the south-east end of the town’).

From the above it is reasonable to expect (and this is critical to much that follows) that:

(3) The 10 tenements of the king and the 5 tenements of Hugh son of Baldric will also each be grouped together.

A quick count of the number and position of the remaining plots available will soon make it apparent that if (1) and (2) above are correct, (3) is not feasible. At the north-west end of the town there are 6 plots available, both too many and too few to make sense, and at the south-east end there are only 12 plots available, including Plot 17 – insufficient for the 10 tenements of the king and the 3 tenements of the archbishop. The problem can however be resolved if the 10 plots are considered not as the king’s but as those of the three thanes. When this is done, Plots 1–6 and 13–16 are available for the 10 tenements of the three thanes and Plots 17–24 for the 8 tenements of Hugh and the archbishop. This solution is adopted below.

To return to the description of the plots: plots 1–6 of 645 feet, at the north-west end of the settlement, present a problem. However one looks at them, the plot boundaries do not fit comfortably overall with the boundaries recorded on the 1911 Ordnance Survey map, nor with those on either of the earlier maps, nor with an expected frontage of 600 feet for six plots. One possibility is that at the very outset of the planning one or two plots were created wider than the others. Given that the plots formed part of the holdings of the three thanes, rather than of the king, it is perhaps possible that either one or two of the thanes might have been allotted such a benefit. This solution makes the best sense on the ground, with Plots 1 to 4 fitting modestly well to the module on the basis that Plot 4 has absorbed half of Plot 3; this last accords well with what is known about the history of Flaxton House, the property concerned. This leaves approaching two and a half plot widths for Plots 5 and 6 but with no sensible indication on the ground of where the division between the two plots might have been. The problem remains unresolved, and on the attached plan Plots 5 and 6 have been conjoined and allotted a frontage of 245 feet.

Continuing south-easterly, Plots 7–16 inclusive, as can be seen from the Plan, fit well to the module, with any apparent anomalies simply explained. Plots 7 and 8 fit well. Plot 10 has expanded at some time to take in half of Plots 9 and 11 to either side. Plots 12 and 13, the first in Foston and the second in Bossall, have long been combined into a double plot, now known as Beech Tree Farm (in 1841, at the time of the enquiry leading to the tithe award, the then farmhouse was described at one of the hearings prior to the award being made as ‘partly in Bossall & partly in Foston’).³⁹ Plots 14–16 fit well, though the last has been divided into two.

³⁹ TNA, IR 18/11971, Tithe Files.

The overall frontage of Plots 17 to 24 is 800 feet, which fits well with eight plots. Plot 17, the Barney Lane plot, fits well to the module. Plots 18 and 19 appear to have been amalgamated. Thereafter the individual plot boundaries are largely lost; and alterations within Hugh's Domesday holding, subsequently de Stuteville, may account for this.

The history of Hugh's holding in Flaxton, as part of the manor of Buttercrambe, has been traced in Section (1) above from Domesday forward to 1426. Thereafter the picture is confused, but the Flaxton element seems to reappear as part of, or in some way attached to, the manor of Bossall which at Domesday was a berewick of the manor of Scrayingham, which in turn was also held by Hugh and subsequently the de Stutevilles. The history of the manor of Bossall can be traced back in time through a series of deeds to 1392 but the earliest reference to Flaxton is not until 1613, when an interest in the manor of Bossall was conveyed to a William Belt and others, and included in the conveyance was undifferentiated property in Bossall and in four townships within Bossall parish including Flaxton. By 1648 the manor of Bossall and its appurtenances were in the hands of Sir Robert Belt who, because of his royalist sympathies, was subsequently dispossessed of Bossall Hall; whereupon he moved to Flaxton and later died there. In 1659, the year after the enclosure award, a property transaction between Sir Robert's sons included: 'one other messuage one croft and garth and one hundred and forty three acres of land ... in Flaxton on the Moor'.⁴⁰ The 143 acres were identified on the ground in the enclosure award of the previous year and were divided approximately 60:40 between the former open field and the common respectively, the open field part being equivalent to some 6 oxgangs, each of 15 acres (the area for an oxgang in Flaxton as stated in the Black Book of 1479 of Hexham priory, mentioned earlier). Only one messuage is mentioned in the deed of 1659 and this seems to have collapsed or been pulled down by the time the Belt family sold its Flaxton estate in 1827 (sometime between 1811 and 1827 a new farmstead had been built on the former open field land). The original messuage is identified from subsequent memorials of conveyances as standing within Plot 21 and half of Plot 22.⁴¹

It should be noted at this point that the Belt property appears to account for 6 oxgangs only and not the 10 oxgangs which it was concluded earlier were in Hugh's original Domesday holding. This casts some doubt on the assumption that the Belt property stems from Hugh's Domesday holding. However, it is quite possible that, at some time over the centuries, some of Hugh's holding had been severed and gone elsewhere.

The archbishop, later Hexham priory, also had 3 plots in this area because, as mentioned earlier, John Place's tofts were specifically described in the latter half of the fifteenth century as being 'at the east side of the town at the south end'. Taken literally this implies that Plots 22–24 belonged to the priory. However that cannot be the case if Plot 21 and half of Plot 22 have been correctly identified as part of the Hugh's holding. Thus it must be assumed that the reference must have been to that part of the township which lay towards the south-east end of the town and not at the extreme end. Thus Plots 17–19 must be allocated to the archbishop, and Plots 20–24 to Hugh.

⁴⁰ BI, MOR 3–37.

⁴¹ North Yorkshire County Record Office [hereafter NYCRO], MIC 339 FK64/41.

The above arrangement is supported by three further pieces of evidence. Firstly, let us look again at (1) Laurence de Boutham's charter of 1293 and (2) the Black Book of Hexham priory of 1479. Laurence's charter described the toft and croft as lying 'between lands of the prior and convent of Marton and the lands of Robert de Dunstapel', with two of the oxgangs as lying 'between lands of the said prior and lands of Agnes le Gra and the said Robert'. This is a clear example, despite one of the neighbouring oxgangs no longer being entirely in de Dunstapel hands, of *Solskifte* or sun-division, the system whereby neighbours in the settlement were also neighbours in the fields and furlongs of the township.⁴² Another, partial, example is in the Black Book, in that the lands of the five oxgangs held 'de bond' by Place and Raynerson were described as 'lying everywhere between the lands of Richard Bernard and the lands of the nuns of Burnholme', carrying with it the implication that the holdings of Place and Raynerson lay between the same neighbours. In this event, their tofts cannot have been Plots 22–24 as there would have been no neighbour to the south-east. Secondly, the arrangement also allows the nuns to have Plot 16, which makes sense in that their holding appears to have stemmed via the Nevills from the king's Domesday holding: Richard Bernard on the other side will have been a tenant of a de Stuteville tenement. Thirdly, it will be noted from the plan that the boundary between Plots 19 and 20 is the only one at this end of the town to be correctly positioned, albeit not precisely, thus preserving on the ground the ancient boundary between the two holdings of the Domesday survey.

CONCLUSION

To summarise: while there are anomalies, particularly towards the north-west end of the settlement, the overall picture is of a planned settlement of 24 tenements laid out in a single row on one side of the Green and with a plot frontage of five rods each of 20 feet (with either one, or possibly two, over-sized plots), vestiges of which remain and are still to be seen. It is known that the Foston soke tenements were grouped together at Plots 7–12. It has been surmised above that the archbishop's tenements were Plots 17–19 and Hugh's 20–24. The ten tenements of the king, stemming as they did from the holdings of three thanes, will have been Plots 1–6 and Plots 13–16, with two of the thanes probably holding Plots 1–6 and the thirdthane holding Plots 13–16.

(4) THE SEQUENCE OF EVENTS AND THEIR DATING

This subject was looked at briefly in the earlier article by the author, but now needs to be considered again. Two documents, both referred to earlier, are of particular help in this. These are: (1) the copy, incomplete though it is, of the enclosure award of 1658, which was not available when the earlier article was written; and (2) the Black Book of Hexham priory of 1479.

The copy of the enclosure award names four open fields: the Girnol Field, the Broad Field, the Croft Field and the South Field (the only known reference to the South Field) and, when describing the whereabouts of each allotment in the fields, the award names the field and the

⁴² B. K. Roberts and S. Wrathmell, *Regions and Places – A Study of English rural settlement*, English Heritage (2002), pp.119–25; C. Lewis, P. Mitchell-Fox and C. Dyer, *Village Hamlet and Field*, (Cambridge, 1997), p.20.

furlong out of which the allotment was awarded.

The Black Book names two fields only; the *Brod-feld* and the *Croft-feld* but starts by listing three furlongs identified as being in the South Field and then, working clockwise continues with listing the furlongs identified as being in the Girnol Field, though without naming the field, then the furlongs in the *Brod-feld* and finally the furlongs in the *Croft-feld*. The priory's lands lay in 36 named furlongs, and the acreage occupied by the priory's tenants in each furlong is quoted. The names of 4 adjoining furlongs in the *Brod-feld* are also quoted, giving a total of 40 names, of which the whereabouts of 31 are known. Some of the furlongs named in the Black Book are not mentioned in the copy of the enclosure award, but this is largely because they lie within areas of the open fields allotted to Sir Thomas Norcliffe, the principal absentee landlord and the prime mover behind the decision to enclose, or to John Marshall, the most substantial freeholder resident in the township, none of whose allotments is described in the incomplete copy of the award.

Eleven of the 40 furlongs named in the Black Book, all but one in either the Girnol Field or the *Brod-feld*, have names suggestive of assarting: *Stobkeldes*, in the South Field; *Hagge-brekes* and *Thwaites* in the Girnol Field; and *Ayk-buskes*, *Brakan-hill*, *Westil-carris*, *Yle-carr*, *North-brek*, *West-brek*, *Wandales* and *Brotes* in the *Brod-feld*. These furlongs, excluding *Stobkeldes*, represent around half the furlongs in the Girnol Field and *Brod-feld*. Given that (1) the township was assessed in the Domesday survey at 48 oxgangs, and there were in addition the 2 oxgangs of glebe, and (2) that the number was unchanged at 50 oxgangs at enclosure in 1658, it is difficult to understand how this assarting could have taken place after Domesday. Further, it is established that the 12 oxgangs of count Alan's soke in Flaxton remained unchanged at enclosure and that the 6 oxgangs of the archbishop remained unchanged at least until 1479. Overall, the conclusion must be that the assarting took place before Domesday. However, is it reasonable to identify the 48 fiscal bovates or oxgangs at Domesday with the corresponding 48 tenurial oxgangs at enclosure? Certainly Flaxton is not the only township with this experience. For example, Kilham in the East Riding had 384 fiscal bovates (the basic unit of 6 carucates multiplied by eight) at Domesday and the same number of oxgangs at enclosure in 1729. This cannot be just a coincidence, and it seems safe to conclude that the identification can be made.⁴³

Is it also reasonable to conclude that the open-field system was also in place at the time of the Domesday survey as well as at enclosure? As mentioned in section (3), there is good evidence in Flaxton for the institution of *Solskifte*, or sun-division, the system whereby neighbours in the settlement were also neighbours in the fields and furlongs of the township. The system is Scandinavian in origin and it is logical that the first and early introductions of open field systems based on *Solskifte* will have had at least some Scandinavian settlers, or their lords, as the moving spirits behind the reorganisation. Flaxton is geographically in the

⁴³ D. M. Palliser: 'Introduction', p.19., citing M. Harvey, 'Open field structure and landholding arrangements in Eastern Yorkshire', *Transactions of the Institute of British Geographers*, n.s.9 (1984), pp.60–74 and 'The development of open fields in the central Vale of York: a reconsideration', *Geografiska Annaler*, 67B (1985), pp.35–44. Also Palliser, pp.15–19 for a general discussion on assessments and measurements. However, Professor Palliser might not accept the further conclusion that the open-field system also dates from before the Domesday survey, or even the Conquest.

heart of the Danelaw and accordingly is likely to have been one of the earlier settlements to reorganise on this basis. In addition, Ulfr, one of the lords of Flaxton at the Conquest, was also one of the most important Danish lords in the North and East Ridings at the time. Bearing in mind Flaxton's position within the Danelaw, it is also more than possible that the three thanes were Scandinavian and not Saxon.

The conclusion is that the open-field system is more likely to have been in place by Domesday and, indeed, by the Conquest, than later. However, this does not necessarily imply that the planned settlement was also in place by then; and the remainder of this section is devoted to considering this further aspect, and to do so requires an examination of how the Crofts, the Back Lane and the Green fit with the planned settlement, and a reconsideration of the chapel complex and the adjacent early enclosure of the Firtree House site.

THE CROFTS

The extent of the Crofts is outlined in bold on the plan. The Crofts are now a series of small enclosed fields, largely but not entirely in ridge-and-furrow, varying in width from two to eleven ridges or, locally, lands. It is not known for certain when the fields of the Crofts were first fenced or hedged off from each other, but it would seem from the wording of various deeds and memorials to have been no later than about the time of the enclosure award of 1658. However, for a long time before enclosure the Croft furlong clearly differed in some respect from the other furlongs in the open fields of Flaxton. For example, the enclosure award allotted no land in either the Croft furlong or the Crofts, and only mentioned the Crofts in the context of new allotments lying adjoining the Crofts. Again, the Black Book describes the priory's selions (strips of arable land) in every single case as being *on* a particular furlong except *in* the case of the Crofts where the description is *in* the Crofts. It is also clear that the six original Foston tenements had a total of 24 ridges or lands attaching to them in the Crofts. This is made abundantly clear in the early terriers, mentioned above, listing the right to tithes of the rector of Foston: In 1685, 27 years after enclosure, the rector was entitled to 'the tith of eight houses & orchards & 24 lea lands in crofts in Flaxton aforesaid': In 1716 the entitlement was 'the tyth of 24 croft lands' (no mention of houses); and finally, in 1727, 'likewise 24 crofts which are tythable to the said Rectory. There are 6 houses & a half which pay tythe to the Rector' (the half house of 1727 no doubt refers to the house, referred to above, divided between Foston and Bossall at the time of the tithe award, and suggests that its building took place sometime between 1685 and 1727). The variable number of houses will have reflected the changing position on the ground; with houses being built, divided, converted into or out of farm buildings or demolished as needed. Finally, as far as Foston is concerned, the Foston lands in the Crofts were immediately to the rear of the Foston tenements and comprised 24 lands, allowing for four lands, or two acres as it happens, to each of the original six plots.

The Black Book provides further support. The standard phrasing in the text is, for example, 'In the *Croft-feld* ... on the *Schol-Brades* 1½ acres'. In only one instance is this varied, and this is where the words 'in two places' are added at the end of the phrase – thus: 'In the *Brod-feld* ... on the *Brotes* in two places 6 acres'. In the case of the Crofts, the wording is 'In the *Croft-feld* in the Crofts 6 acres'; the inference being that the lands in the Crofts were in one place. Again the relationship is two acres to a tenement and the conclusion is that the six

acres lay immediately to the rear of the priory's tenements.

The Crofts extend to approximately 50 acres overall and comprise 93 lands. Ideally for 24 tenements there would be 96 lands with each tenement being allotted 4 lands, but as the Croft furlong with its lands of variable width would already have existed when the lands were allotted to the individual tenements there must have been an element of give and take in the widths of the various allotments. There is the further problem, as can be seen from the plan, in that the length (and thus the area) of the individual Crofts is distinctly variable with, for example, those towards the south end of the town, being shorter than the others. *Nevertheless, the conclusion must be that at some time in the past each of the 24 tenements would have been allotted a portion of the Crofts immediately over the Back Lane corresponding as near as practicable to the width of the tenement.*

It is worth considering how the south-west boundary of the present Crofts compare with the probable south-west boundary of the original Croft furlong. Marked on the plan (Fig 2) with bold broken lines are the boundaries before enclosure of the common or moor of the township, with (1) the Girnol Field and (2) the Croft Field. Also marked, but with a bold dot-and-dash broken line, is the boundary between the Croft and Broad Fields as indicated by the enclosure award, but with one exception. The enclosure award includes the close (OS 231/117) as part of the Broad Field. However the plan includes it in the Croft Field in the belief that this close would originally have been part of the Croft Field and would have been transferred to the Broad Field only on becoming detached from the rest of the Croft Field when the individual Croft lands were allotted to the tenements of the planned settlement. It is perhaps surprising that the furlong immediately to the north-east of the main block of the Crofts is indicated by the enclosure award as being in the Broad Field (as do the furlongs beyond it), and no explanation is currently offered for this.

It is therefore tentatively suggested that the original boundary between the Croft furlong and the common or moor to the south-west would have followed a line from the western corner of the close (OS 231/117) through the middle of the planned settlement to the junction of the common or moor with the Croft Field at the south-east end of the settlement. This boundary is marked on the plan by a thin straight line. No evidence on the ground has been found for this conclusion but perhaps this is scarcely surprising, bearing in mind that any headland would probably have been removed as the development of the new settlement proceeded, and certainly there is no reason to think that the line was necessarily straight.

THE BACK LANE

Back lanes are frequently encountered with planned villages in North Yorkshire (a good example is Stillington, a double-row settlement, each row facing on to the Green and each with its own back lane), so there is nothing surprising in finding the Back Lane at Flaxton. However, Flaxton Back Lane does not conform to the usual pattern, in that it goes nowhere. At its north-west end it terminates abruptly at the broad ridge-and-furrow of the close (OS 231 & 117), mentioned above, which runs from the back of the Crofts through to the Green and which helped define the north-west extremity of the planned settlement. It is interesting that, at enclosure, four specific freeholders were granted rights of access over this close from the Green to the Back Lane; confirming, as the grant does, that there was no general village right of way beyond the end of the Back Lane. At the south-east end the Back Lane also

terminates at the open field (no extant ridge-and-furrow), being cut off by a flat in the Croft Field, already part of the vicar's glebe before enclosure, and allotted to him at enclosure. Thus the only access to the Back Lane, other than from the garths to one side and the Crofts to the other, is along the narrow lane now known as Barney Lane, part of the erstwhile Plot 17. There are two further peculiarities about the Back Lane which, taken together, make some form of sense. The first is that the ridge-and-furrow in the Crofts terminates at the Back Lane with no evidence of any headland (The Belt croft, mentioned earlier, in Hugh's section of the settlement, does indeed have a headland immediately on the north-east side of the Back Lane. However the lands in the Crofts to either side of it extend right to the Back Lane; perhaps indicating that this Croft continued under the plough after the creation of the Back Lane, resulting in the need for its own new headland). The second is that there is intermittent evidence on the ground, for the north-western half of the Back Lane, of what appears to be a former headland still existing, close to, but on the south-west, or wrong, side of the Lane. The extent of its presence is marked by a broken line on the plan. However, it will be realised that, if the suggestion at the end of the previous paragraph is correct, this headland cannot be the original headland of the Croft furlong, as this would have been appreciably further to the south-west. To solve this problem it is suggested that the headland under discussion was formed after the planned settlement had been imposed on the south-western part of the Croft furlong, but subsequently became superfluous when it was decided, for whatever reason, to create the present Back Lane.⁴⁴

The conclusion is that the Back Lane at Flaxton was created at a time when both the open fields and the planned settlement already existed; a back lane going nowhere and laid out on top of the, by then, already shortened lands of the Croft furlong. This would have provided the occasion to create Barney Lane at the expense of Plot 17 (the occupier of Plot 17 might have been compensated by being provided with a new plot between the chapel complex and the Firtree House plot) in order to provide access to the Back Lane from the Green. There are two further conclusions: (1) that the planned single-row settlement is later than the open-field system, and (2) that, after the creation of the Back Lane, the Crofts, with the one exception of the Belt croft, were taken out of arable cultivation and laid down to grass, remaining as such thereafter; otherwise a third headland would have been required.

THE GREEN

The Green at Flaxton is in the shape of an inverted and reversed L, with the foot of the L, known as the Kell, being at the north-west end of the settlement and extending to the west. The foot of the L, together with that part of the upright of the L from which it springs, is beyond what it has been concluded above is the north-west end of the original planned settlement but adjoins the former boundary of the Girnol Field.

The first known specific reference to the word 'Green' at Flaxton is not until well after enclosure. However, there is mention in a will of 1601, 57 years before the enclosure award, of 'gates', or grazing rights, going with a particular house in the village; and subsequent to enclosure there were 34 such gates on the Green. It is not known whether the gates in the will of 1601 related to grazing rights on the Green or on the common or moor at large.⁴⁵

⁴⁴ C. C. Taylor, Personal communication.

⁴⁵ BI, MIC 28/529.

The reason for the existence of the Kell may lie with the watering of stock. There are three ponds on the Green, roughly equidistant from each other; one to the South-east of the Chapel complex, one next to the junction of the Green with the York Road and the third at the toe-end of the Kell. Perhaps, before enclosure, the last had been an ancient pond serving the adjoining part of the Common, and so could have been dispensed with after enclosure but was allowed to remain, with the Green being extended to encompass it, to serve the stock grazing the Green at that end of the settlement. This thinking is strengthened by the fact that the enclosure award allotted to John Bell, the allottee of the close (OS 231/117) mentioned above, a small parcel of the common at the end of the close to compensate him for the rights of way granted under the award to the four other freeholders mentioned above and, until this parcel was developed for housing in recent years, it contained a pond (see Fig. 2, p71). This suggests that the Kell and its pond may have been reserved out of the enclosure of the common and added to the Green to replace the pond lost to the graziers when it and the adjoining land was added to John Bell's close (OS 231/117).

One further point arises. A study of the plan shows clearly a hotchpotch of housing and other buildings in the area to the north-west of the Firtree House plot. The enclosure award, while allotting a parcel of land out of the common adjoining this area, made no requirement for its hedging against the Green, whereas all the other enclosures which adjoined the Green contained such a requirement. The implication is that by the time of enclosure this area had already been developed and in some manner fenced off from the common or moor.

The south-west boundary of the Green, apart from where it is interrupted by the presence of the chapel complex, the Firtree House enclosure and the development referred to in the last paragraph, is to all intents a straight line which rather suggests that it was created at the time of the enclosure award. However, it may well be that the Green, though not known as such, and without the Kell, existed from much earlier times, even if its boundary with the rest of the common was no more than a ditch or dead hedge; the line being straightened at enclosure.

THE CHAPEL COMPLEX AND THE FIRTREE HOUSE PLOT

It will be observed from a study of the plan that these two elements of the settlement lie at a distinct angle to the single-row settlement, the orientation of their frontages being closer to north-south. Further, the frontage of the Firtree House plot is, at its closest, no more than 50 feet (15 metres) from the frontage opposite; a very small distance when compared to the width of the Green. Why, given the presence of the Green and the open space of the common or moor of Flaxton beyond, should the creators of the chapel complex and the Firtree House plot have placed them so close to the existing planned settlement? Perhaps the answer is that they did not do so, but that the chapel complex and the Firtree House plot were already present, as part of an earlier unplanned settlement, when the single-row settlement was created; and the reason that the new settlement was positioned so close to the existing property was in order not to encroach unnecessarily upon the Croft furlong, while still providing an adequate area of garth behind the houses, with the change of orientation being to align the new settlement at right angles to the lands in the Croft furlong.

The last above is the conclusion reached and, accordingly, the order of events becomes:

(1) The creation of the Croft Field (probably including the other three fields), with an

'unplanned' settlement, including the chapel complex and Firtree House plot, lying immediately to the south-west of the original boundary of the Croft furlong

(2) The creation of the Girnol, Broad and South Fields by assarting (if indeed they were later than the Croft Field)

(3) The demolition of the 'unplanned' settlement followed immediately by the creation of the planned single-row settlement, in part overlying the south-west part of the Croft furlong, probably with its Green (though the latter's present south-west boundary might not have been precisely as now) followed over the years by the formation of a new headland for the shortened Croft furlong

(4) The creation of the Back Lane and Barney Lane, dispensing with the need for the headland, and the allotment of the remains of the Croft furlong to the individual tenements across the Back Lane.

There is little or no direct evidence as to dating. The first conclusion, reached earlier in this section, was that the open-field system was more likely to have been in place by Domesday and, indeed, by the Conquest, than later. What about a date for the single-row planned settlement? The fact that the ten plots relating to the king's holding have been identified at the end of section (3) as being in two separate blocks of six and four respectively, separated by the six Foston plots, suggests that the settlement was planned in the time of the three thanes and not the king; as otherwise one would have expected the king's plots, like those of the other Domesday holdings, to be grouped together. It is not known when the holdings of the thanes were forfeited to the king but it seems improbable that the thanes were still in possession after the Harrying of the North in 1069–70. *Accordingly the conclusion is that the single-row planned settlement dates from before that event and so probably from before the Conquest, thus confirming the early dating for the open-field system. As it has already been concluded that the chapel complex and the Fir Tree House plot pre-date the planned settlement, their creation must also be placed before the Conquest.*

There is no evidence relating to the dating of the Back Lane and Barney Lane. However, as it will no doubt have taken many decades to create a substantial new headland following the creation of the single-row settlement overlying a part of the Croft furlong, the conclusion is that they are likely to post-date the Domesday survey of 1086.

CONCLUSION

Considered overall, the conclusion must be that on the ground and in the settlement the township of Flaxton remained remarkably unchanged from before the Conquest through to enclosure in 1658. The fact that, apart from the holding of Hugh son of Baldric, the entire township came early into the hands of several religious foundations may partly account for this stability.

ACKNOWLEDGEMENTS

The author would not have achieved this article without the help, much needed, of the librarians and staff of the York Minster Library, the Borthwick Institute and the City of York Reference Library, and of the Archive Services of North, East and West Yorkshire in Northallerton, Beverley and Leeds respectively. He also wishes to acknowledge the very considerable help given by Christopher Taylor in correspondence with thoughts regarding the relationship of one tenement to two oxgangs, the sequence of the strips in the fields following the sequence of tenements in the settlement and,

more particularly, the layout of and the sequence of events relating to the planned settlement and the Croft furlong. He is also grateful to Professor David Palliser for providing time for discussion relating to the complex subject of Domesday bovates and their relationship to later tenurial oxgangs. Finally he wishes to acknowledge the work of Dr Nick Barratt in translating and transcribing numerous documents at what was then the Public Record Office. However, the text and the erection of this 4-storied house of cards are entirely the work of the author. Professor Dyer writes: 'The debate about the origin of villages has to be conducted in terms of probabilities ...'. How true.⁴⁶

⁴⁶ C. Dyer: *Everyday Life in Medieval England*, (Hambledon and London, 1994), p.xiv.

RECENT ARCHAEOLOGICAL WORK IN THE DIOCESES OF RIPON AND WAKEFIELD 1991-2000

By Lawrence Butler

This report discusses archaeological work in two of the five Anglican dioceses in Yorkshire, indicating the nature of the opportunities and the extent of the recording. Nearly all the work at 60 different churches has been small-scale intervention, individually modest but cumulatively important. The large-scale excavations (Hickleton, Kellington, Royston, Stainburn) are still unpublished 10-30 years after they were first undertaken. Although more work is being commissioned from professional archaeological units, most of it disappears into the 'grey literature', thereby failing to stimulate local interest. The work at three buildings (Wakefield Cathedral, Little Ouseburn, Gilling West) is sufficiently significant or diverse to merit fuller publication here.

INTRODUCTION

This report is a sequel to the article published in an earlier volume (YA/64 (1992), 203-9). There is no need to repeat the statistics concerning the distribution of medieval churches within the two dioceses as that has not changed. The main emphasis is that in Ripon the proportion of medieval churches is greater in the north of the diocese beyond the Wharfe, whilst in Wakefield the proportion is higher in the east beyond Pontefract. Elsewhere in the more highly urbanised or industrialised areas there was a much greater proportion of Victorian churches.

Over the past decade there has been an increase of state aid to churches and cathedrals. There has also been an accompanying increase in legislation and guidance.¹ The appropriateness of the "ecclesiastical exemption" whereby the churches monitor their own planning applications for fabric repairs and interior changes through legislation, committees and ecclesiastical consistory courts has occasionally been raised, but the system continues to work efficiently. At a more local level the archaeological units in the metropolitan counties have been active in conducting and promoting church archaeology, operating in conjunction with the diocesan archaeological officers. This has been particularly evident in West Yorkshire, where an excavation was conducted at Tong (B; W.R.) and a survey made of

¹ C. Bianco, "Legislation and Management in England and Wales", in J. Blair and C. Pyrah (eds.), *Church Archaeology: Research Directions for the Future* (C.B.A. Research Report 104; London, 1996), pp. 182-188. More recent legislation and guidance is summarised in: English Heritage, *New Work in Historic Places of Worship* (London, 2003), 15 pp. Also helpful is S. Mays, *Guidance for best practice for treatment of human remains excavated from Christian burial grounds in England* (English Heritage: London 2005), 54 pp.

medieval church structures in the new county.² In South Yorkshire a dozen parishes lie within Wakefield diocese, but no excavation has been conducted within the diocese. The work at Hickleton (S; W.R.) is noted below. However some valuable survey work was undertaken before the archaeological unit was disbanded.³ Another development which could well be followed in this area is the publication of illustrations of medieval and later churches before their Victorian restoration. Some were included in the West Yorkshire survey of 1993, but the York Archaeological Trust has issued a separate monograph for the medieval churches in York.⁴ In the diocese of Ripon Kirk drew attention to three volumes of church views (drawings, water colours, engravings and photographs) compiled before 1888 then at the Church Institute in Leeds, but later in Ripon Cathedral Library⁵; it is most unfortunate that those volumes, assembled from 1836 onwards, have lost over a quarter of their contents by unauthorised removals since Kirk made his catalogue.

In general terms church archaeologists have responded well to the need to record promptly those changes to fabric and fittings discussed in the Diocesan Advisory Committees and put into operation by faculty legislation or by archdeacons' certificates. Less predictable have been changes occasioned by the hazards of fire or theft. There have been minor cases of arson and of damage to stained glass by vandalism. Theft has affected some fittings (see below, p.92). Storm damage, such as the lightning strike in March 1998 upon the spire of Garforth (R; W.R.), has been repaired promptly.

Finally the decision to rename Ripon Diocese as "Ripon and Leeds" fails to appreciate the origins of the diocese.⁶ Except for Sodor and Man the dioceses in England have been named from the cathedral church(es) and not from a district or a non-cathedral city. Since the grounds for renaming are based on the respective importance and population of Leeds as opposed to the "little-known" Ripon, it remains to be seen whether this precedent will be followed by more instances of renaming, such as Chichester and Brighton, Winchester and Southampton, Ely and Cambridge, Southwell and Nottingham, or Durham and Gateshead.

² Peter Ryder, *Medieval Churches of West Yorkshire* ([Wakefield] 1993). The West Yorkshire Archaeological Service has also published Peter Ryder, *Medieval Cross Slab Grave Covers in West Yorkshire* (1991) and a number of church guide leaflets. For ease of reference to the volumes of Pevsner (Buildings of England series) and of J. E. Morris (Little Guides) all churches are identified by the initial letters of both diocese (Bradford, Ripon, Sheffield, Wakefield, York) and of former county (North Riding, West Riding, East Riding).

³ The South Yorkshire Archaeology Committee sponsored surveys of Saxon churches and of medieval stained glass: Peter Ryder, *Saxon Churches in South Yorkshire* (Barnsley, 1982); Brian Sprakes, *The Medieval Stained Glass of South Yorkshire* (Oxford, 2003).

⁴ Barbara Wilson and Frances Mee, *The Medieval Parish Churches of York: the pictorial evidence* (York, 1998).

⁵ G. E. Kirk, "A Catalogue of Illustrations of Churches in the undivided Diocese of Ripon", *Y. A. J.*, 33 (1938), 199-214. The volumes are now in the Special Collections of the Brotherton Library, Leeds University.

⁶ P. S. Morrish, "Leeds and the Dismemberment of the Diocese of Ripon", *Publications of the Thoresby Society*, 2nd series, 4 for 1993 (1994), 62-97. There were attempts to create a separate diocese of Leeds in 1851 and in 1908, and to transfer the see to Leeds in 1922.

EXCAVATION AND STRUCTURAL REPAIR WITHIN CHURCHES

One great advantage of work in churches is that there is always a long gestation period when plans are discussed, amenity bodies are consulted and alternative solutions proposed. This gives plenty of time for preliminary documentary research or for structural survey ahead of excavation. Two modest excavations were undertaken, both by the West Yorkshire Archaeological Service. At Normanton during 1991 in advance of re-ordering, a new floor was installed and old pavements and steps were removed. The main discovery was that the pillar bases rested on individual stone footings surrounded by clay. There was insufficient evidence to indicate the extent of the presumed aisleless nave of the 11th century or earlier. The collapse of the Victorian pavement in the south aisle of Wakefield Cathedral provided the opportunity during 1995 to assess the stability of the aisle interior before the pavement was re-laid and the pew platform re-instated. Although it was known that the arrangement of the pews and the aisle paving was the result of Scott's restoration in 1858-74, it was anticipated that evidence for an earlier and narrower south aisle would be found in excavation, following the hypothesis of Micklethwaite, accepted by Walker.⁷ This should reveal the aisle served by the 14th-century piers before the external aisle walls of the late 15th-century were built. A north-south trench from the aisle paving to the south wall failed to find any evidence for an earlier wall, suggesting either that the aisle was very much narrower than postulated or that the presumed wall had been completely removed by internal burials. It was less likely that the aisle, first of the early 13th century and then of the mid 14th century, was of the same width as the existing south aisle.⁸ (APPENDIX A)

The value of making a careful record when plaster is stripped from walls during repairs or before repointing has been shown at Darrington (W; W.R.) and Little Ouseburn (R; W.R.). At the former a window on the north side of the tower in the embracing north aisle (now a vestry) was unblocked and displayed an early 13th-century floral painting of a delicately curling tendril spray on the west reveal; an aumbry in the south wall of the chancel was exposed. At Little Ouseburn the chancel was stripped of Victorian plaster and showed two layers of late 16th- and 17th-century texts in Gothic black letter. All were fragmentary and no complete word was readable. Such texts have been found in similar plaster stripping at Tong or under layers of whitewash at Wharram Percy (Y; E.R.).⁹ However the repointing of the east window of the south aisle exposed two re-used Anglo-Saxon cross fragments with a standing figure of tenth-century character. (APPENDIX B)

A large number of minor repairs and routine maintenance occurred; wherever possible the upper levels of the fabric were inspected from scaffolding. This gave the opportunity to

⁷ J. T. Micklethwaite, "On the Growth of the Fabric of All Saints Church, Wakefield AD 1100-1530", in J. W. Walker, *The History of the Old Parish Church of All Saints, Wakefield* (Wakefield, 1888), pp. 36-48, figures 1-7. Later revised in J. W. Walker, *Wakefield, its History and People* (Wakefield, 1934), chapter IX.

⁸ Author's Report to Wakefield Cathedral Fabric Advisory Committee (February 1995); A. Francis, "Wakefield Cathedral: Watching Brief in the South Aisle", WYAS Report 226 (limited circulation, February 1995)

⁹ Tong: P. Ryder, *Medieval Churches* (as note 2), 127; Wharram Percy: *Wharram III – The Church of St. Martin*, eds R. D. Bell, M. W. Beresford and others (Society for Medieval Archaeology Monograph 11: London, 1987), 134-7.

inspect and record the interiors and exteriors of overlap Saxo-Norman towers, as at Gilling West (R; N.R.), Hornby (R; N.R.) and Kippax (R; W.R.) or external heraldry, as at Burneston (R; N.R.) and Richmond St. Mary (R; N.R.). The use of tufa as packing material around the Norman tympanum in the tower's west doorway at Hornby parallels the recycling of this stone from Roman structures observed in Northamptonshire.¹⁰ The value of close examination has also been shown in recording masons' marks as a guide to building practices and the progress of construction.¹¹

In the previous report mention was made of four substantial excavations at churches and one at a cathedral. It is a pleasure to note that the work at Tong (B; W.R.) has now been published,¹² and that the report on the 1974 excavation in Wakefield Cathedral is included below (APPENDIX A). However it is regrettable that the works at Hickleton (S; W.R.), Royston (W; W.R.) and Kellington (W; W.R.) have not yet received final publication, though Kellington has had fairly full interim reports and some aspects of its methodology have been published. The unpublished work on the redundant church at Stainburn (R; W.R.) showed that there was no evidence for a church earlier than the twelfth century, though close scrutiny of the fabric revealed many subsequent changes to door and window openings. The late medieval porch had a dedicatory inscription. The earliest churchyard memorial was a table tomb of late 16th-century character. Survey of the churchyard boundary showed different periods of expansion and re-alignment. The archive material, notebooks, plans and photographs from all the author's work recorded in this article will be donated to the Yorkshire Archaeological Society.

CHURCHYARD EXCAVATION

Any disturbance to the ground and fabric is potentially destructive to the archaeological evidence which that ground contains. Excavation such as dry area trenching will disturb the relationship between the structure and the ground on which it stands or through which its foundation trenches have been cut. A major disturbance of this nature has been at Goldsborough (R; W. R.) during 1996 where the tower foundations needed to be strengthened. Excavation showed that a tower standing 100 ft. (30 m.) high was resting on boulder foundations and a base course only 24 ins. (62 cm.) deep; there was no evidence for a foundation cut, but instead the earth had been piled back around the foundation. Elsewhere

¹⁰ For the use of tufa in Anglo-Saxon building: D. S. Sutherland and D. Parsons, The Petrological Contribution to the Survey of All Saints church, Brixworth, Northamptonshire: an Interim Account, *Journal of the British Archaeological Association*, 137 (1984), 45-64, esp. 53-54: "Tufa was a stone much favoured by the Romans for vaulting in bath-houses"; though in D.S. Sutherland, "Burnt Stone in a Saxon church and its implications" in D. Parsons (ed.), *Stone: Quarrying and Building in England AD 43-1525* (Rochester, 1990), 102-113, she states (p. 112) "there is no indication that ... the tufa [at Brixworth]... is secondhand". See also D. Stocker with P. Everson, "Rubbish Recycled: a study of the re-use of stone in Lincolnshire", Parsons (ed.), *Stone*, 83-101, and T. Eaton, *Plundering the Past: Roman Stonework in Medieval Britain* (Stroud, 2000)

¹¹ Ian Roberts "Bradford Cathedral Tower: archaeological recording 1993-4", *Church Archaeology*, 1 (1997), 42-43.

¹² P. Ryder, *Medieval Churches* (as note 2), 118-132. In 1997 new paving and other work was proposed for Featherstone church (W; W.R.) after the organ caught fire through an electrical fault: this was a church assessed in Ryder, *ibid*, 106-117. The thoroughness of the 1880 restoration has limited any opportunity to make new discoveries: York, Borthwick Institute: Faculty 1880/7.

around the south and east sides of the church it was clear that Scott's restoration of 1859 had replaced or inserted a plinth around the church and had underpinned the buttresses. He had also renewed the chancel's south doorway which he then blocked. Debris from Victorian window tracery repair was also noted, indicating that stones were given their final dressing on site.

Another trench cut in 1995 to alleviate dampness in the church was alongside the south chancel chapel at Royston (W; W.R.). This revealed that four small Romanesque nook shafts had been used as part of the foundation course below the ashlar masonry coursing. A small late medieval window head was used to repair the chapel's east wall. A dry area trench was dug around the tower at Catterick (R; N.R.) and was proposed around the chancel of Farnham (R; W.R.) where Scott had undertaken a thorough restoration in 1854; financial considerations have caused the latter work to be postponed.

The provision of kitchens and toilet facilities in the church was the reason for trenches cut in the churchyards at Bardsey (R; W.R.), Elland (W; W.R.), Emley (W; W.R.), Gilling West (R; N.R.), Middleham (R; N.R.) and Spennithorne (R; N.R.). The only significant discovery was at Gilling where part of an Anglo-Saxon cross-head was found in disturbed grave earth north of the church (APPENDIX C). At Emley the brick debris of a former vestry and the coal dust from a former fuel store were found on the north of the chancel when four drainage trenches and soakaway pits were dug around the church. Soakaways dug at Bolton-on-Swale and Hornby (both R; N.R.) were uninformative.

The introduction of new electricity cables at a number of churches had the potential to provide information about structures in the churchyard or about any earlier churchyard wall or bank. However in each case the trench was too narrow and shallow to provide any useful information. At Bedale, Burneston, Kirklington, Pickhill and Wath (all R; N.R.) cables were laid to permit floodlighting of the church; the cables did not penetrate beneath the topsoil and the light fixings did not disturb any existing graves or headstones. The initiatives of the Churches Floodlighting Trust has considerably increased the number of such schemes over the past decade. A different problem occurred at East Cowton (R; N.R.). Here the medieval and later church had been demolished in 1989 after standing neglected since the new church was built in 1910. The old graveyard had continued in use, but it was proposed that the site of the old church should now be used for burial. In order to preserve the medieval remains intact from unnecessary destruction it was recommended that burial took place elsewhere within the large rectangular churchyard and that new paths were laid to serve the new burial area. The site of the medieval chapel at Winksley (R; W.R.) was identified within the existing churchyard. Survey work at the disused medieval church and churchyard beside the river Greta at Brignall (R; N.R.) has been published.¹³

TOMBS AND VAULTS

There have been various occasions where minor works have given the opportunity to record features temporarily exposed. The tombs are discussed chronologically. At Gilling West (R; N.R.) the arched tomb recess in the south aisle wall was repaired to prevent damp penetration into the church. This gave the opportunity to lift the medieval tomb slab and to

¹³ D. Coggins and K. J. Fairless, "The Old Church of St. Mary, Brignall, near Barnard Castle", *Durham Archaeological Journal*, 17 (2003), 25-41.

examine the tomb base; this revealed that it was a Victorian insert and did not fit the recess. It is likely that the tomb slab was found when the new north aisle was built in 1845 and the present arrangement dates from that restoration. (APPENDIX C) The two tomb slabs forming benches in the porch were most probably found and positioned in the same Victorian restoration. At this same restoration the tomb of Sir Henry Boynton (died 1531) and his wife Isabella had been dismantled, and the tomb slab set vertically against the inner north aisle's east wall; it was later moved close to the west tower in the 1899 restoration. The original tomb base lay just north of the pulpit and was demolished to allow a new pew platform to be laid. In 1999 when it was intended to pave this area an opportunity was taken to record the tomb base.¹⁴

At Royston (W; W.R.) it was noted that the stringcourse on the north side of the chancel was incised with carvings of mason's tools (hammer, chisel) on its upper surface; this may be part of a tomb slab but is more likely to be casual carving.¹⁵ A full study was made at Goldsborough (R; W.R.) when the two fourteenth-century tombs in the chancel were conserved, revealing medieval figure painting on the side panels of the southern tomb and decorative bands on the base of the northern tomb.¹⁶ Both tombs had been dismantled in Scott's restoration of 1859. At Croft (R; N.R.) renewal of the timber flooring in the east bay of the south aisle exposed the tomb slab to Sir John Clervaux (died 1443) and his wife Margaret.¹⁷ The dismantled heraldic side panels of this tomb line the side walls of the chapel; the lid lay above the vault. The tomb chest of Sir Richard Clervaux (died 1490) was centrally positioned in the adjoining bay to the west.

A table tomb of the sixth earl of Shrewsbury (of 1590) in Sheffield Cathedral (dismantled in 1975) was recorded whilst it decayed in the churchyard; the dismantled heraldic side panels were inspected in a mason's yard in York.¹⁸ The value of recording tomb details during conservation was shown at Stanwick (R; N.R.) where the Smithson tomb chest of 1684-88 was evidently moved in Salvin's restoration of 1868 from a position against the south aisle south wall, with three exposed sides, to its present location in the south-east angle of that aisle, with only two exposed sides. The tomb chest contained within it the discarded

¹⁴ The report by Mr Percival Turnbull has been submitted to Gilling West PCC (5/2/1999).

¹⁵ The form of the hammer is similar to that on a tomb slab at Hamsterley: P. F. Ryder, *The Medieval Cross Slab Grave Cover in County Durham* (Durham 1985), Hamsterley (9), pp. 35 (Fig. 8, no. 5), 38, 93, and Plate 35.

¹⁶ Report (p. 12) in B. and M. Gittos, "The Conservation of the Goldsborough Effigies", *Church Monuments*, XII (1997), 5-13.

¹⁷ It is possible to correct the version given in T. D. Whitaker, *History of Richmondshire* (London, 1823), I, 237 to read "[H]ic iacet J[oh]es Clarvaux | [miles qui obiit xiiii Augusti A'o D']ni mccccxliii et dn~a m~gareta ux|or ej filia Radi lumli militis| et nepos Rad~o nevil po cn~ti W~stmni q obt xxo die decmb.. | Ric': ej: fili': han~t: u~ba: fieri: fecit" and to translate as "Here lies Sir John Clarvaux who died 14 August 1443, and Lady Margaret his wife, daughter of Sir Ralph Lumley and niece of Ralph Nevil first earl of Westmorland, who died 20 December. Richard his son caused this tomb to be made." I am grateful to Mr W. D. Chaytor and Professor A. J. Pollard for help with this tomb.

¹⁸ L. Butler, "The tombs of George, sixth earl of Shrewsbury, in Sheffield Cathedral", *Trans. Hunter Arch. Society*, 20 (1999), 52-61.

side panel displaying a heraldic shield and the sculptor's name [William] 'Stanton Fecit London'.¹⁹ During repaving at Whixley (R; W.R.) the original position of the Tancred tomb of 1734 was recorded; it was moved to a position against the south aisle south wall in Scott's restoration of 1862. There was no evidence of any structures earlier than the present church, but it was clear that Scott had raised the floor level by a foot (30 cm.) throughout the nave. The recording of all the memorials inside and outside Wakefield Cathedral also gave an opportunity to assess their quality and to note the different materials of the surviving tombs.²⁰ At Ackworth (W; W.R.) and Beeston (R; W.R.) gravestones concealed under timber flooring were recorded whilst temporarily exposed.

Two vaults were recorded during the past decade. The more extensive was the Thompson vault beneath the classical mausoleum at Little Ouseburn (R; W.R.). The mausoleum had suffered badly from stone decay and structural damage after the lead had been stolen from its roof. A full conservation programme during 1995-7 repaired the structure standing on a grassy mound above the concealed vault. This four-foot (120 cm) high mound was composed of earth, rejected stone, brick and tile. Details of the 24 inscription plaques recording burials of the Thompsons and the Crofts between 1743 and 1910 and the location of the original vault doorway (later bricked up) were recorded; there were 8 empty spaces but a quarter of the interior was not utilised for coffin spaces.²¹ At the same church alongside the south wall of the chancel there was uncovered the entrance to the brick built vault of Edmund Robinson of 'Thorpe Greene'; it is also marked by a worn sandstone plaque built into the south wall exterior.²²

Another vault was discovered during routine chancel maintenance at Kippax (R; W.R.); this was to the Blands of Kippax Park. The vault's internal plan and the six tomb inscriptions between 1791 and 1886 were recorded; 11 spaces were unoccupied. The dry conditions had preserved some of the funeral wreaths. The inscriptions tallied with the information on the wall tablets in the chancel.

FITTINGS AND FURNITURE

The main threat to historic furniture has been an enthusiasm for liturgical re-ordering. One prominent clergyman (Richard Giles, vicar of Huddersfield St. Thomas, now Dean of

¹⁹ L. Butler, "The Smithson Monument at Stanwick, North Yorkshire", *Church Monuments*, XV (2000), 65-70. A parallel piece of recording was by Peter Ryder of the medieval cross-slab grave covers built into the fabric, of which those in the south porch were becoming eroded by wind and weather (as are those at Forcett): P. Ryder, "St. John's Church, Stanwick, North Yorkshire: the medieval cross slabs", *Church Monuments*, XVIII (2002), 5-13.

²⁰ L. Butler, "The Monuments in Wakefield Cathedral", *Church Monuments*, XIII (1998), 106-9. There have previously been recording exercises in the churchyard, conducted by West Yorkshire Archaeological Services, in 1980 in the area north of the church prior to the building of Bishop Treacy Memorial Hall and in 1991-2 in the area south of the church prior to the extensive landscaping and paving.

²¹ The full record by Mr Helier Hibbs has been placed with the parish records. The coffins were not inspected though one was visible where the stone sealing plaque had become detached; it still retained its copper coffin inscription plate.

²² For details of his life and accidental death in 1869, see Peter Holmes in *Y.A.J.*, 76 (2004), 206-8.

Washington Cathedral, D.C.) wrote in 1995 "In nearly every case, a radical and bold approach will be required in order to remove unused or surplus furniture and to clear space within buildings dating from previous generations of Christian thought and worship. Teaching will be needed on the nature of memorial gifts as artifacts at the disposal of the living Church."²³ Such an approach would see medieval stalls, Jacobean altar tables, Georgian pulpits and Victorian choir stalls all regarded as surplus furniture, preventing "worshipping communities from experiencing the benefits of re-ordered buildings". Fortunately the mechanisms of diocesan advisory committees seem sufficiently robust to withstand or moderate these views. Instead of damage inflicted from within the Church there has been some damage from outsiders. Theft has usually been opportunistic, mainly the removal of York stone paving slabs and churchyard coping stones, but the theft of the medieval lectern from Methley (R; W.R.)(since recovered) and the bronze door closing ring from Adel (R; W.R.) were both serious losses to medieval art. The theft of modern church silver by Omar Ramsden from Wakefield cathedral (W; W.R.) appears to have been more carefully targeted to supply art collectors. On a happier note the 'lost' Anglo-Saxon cross fragment from High Hoyland (W; W.R.) has been located; it had been taken into safe keeping by a parishioner acting when the church was declared redundant and before it was turned into a youth activity centre.

CHURCHYARD RECORDING

The need to record churchyard memorials has usually preceded schemes for tidying up an overgrown burial ground, as at Hartshead (W; W.R.), Rothwell and Wortley (both R; W.R.). In those three cases a large-scale recording programme was undertaken by the parish or a local history group and the diocesan archaeologist checked the accuracy of the record.²⁴ This was also done in a more limited area at Collingham (R; W.R.), Birstall, Cleckheaton White Chapel, Farnley Tyas and Flockton (all W; W.R.) ahead of planting or pathway schemes (which were then modified to protect the gravestones). There were limited actions where the repositioning of stones improved disabled access or preceded building work, as at Garforth and Illingworth (W; W.R.). Also at Garforth (R; W.R.) further research was needed to ascertain whether the new parish hall on the south of the church would impinge upon the outline of the medieval church.²⁵ However on consulting the plans of the church, newly built

²³ These sentiments are developed further in R. Giles, *Re-pitching the Tent* (Norwich, 1996), 111-120, 212-3. He quotes approvingly 'When asked by a DAC to consider compromising a situation based on the concern for avoiding change the parish should address the Advisory Committee, through its Chairman, directly on the question of whether his committee is a committee of the Christian Church or an outpost of the Conservation Movement' Robert Maguire, *The Re-ordering of Churches: what is it to be radical?* (Liturgy North, 1996).

²⁴ T. Cocke, *The Churchyards Handbook* (4th Edition, 2003); Harold Mytum, *Recording and analysing graveyards* (CBA, 2000); Peter Butler, *Where to find Recorded Monumental Inscriptions: Yorkshire* (North-East Group of Family History Societies: Brandesburton, 1996). In the three cases cited here the record was lodged both in the parish and with the diocesan office.

²⁵ York, Borthwick Institute: Faculty 1844/3. West Yorkshire Archive Service: YAS Claremont, Leeds MD 382/11 plan of Nov. 1843 by George Fowler Jones. Similar assessments had previously been conducted at Almondbury and Batley (both W; W.R.) in advance of building their parish halls on shallow foundations to the north of the church; the deeper service and drainage trenches were monitored.

in 1844, it was clear that it lay immediately over its predecessor and that the unusual projection of the west gable of the nave was because the original intention had been to retain the medieval west tower. Another recording task has been the detached churchyard at Liversedge (W; W.R.) where stones were repositioned in order to create a new car park for worshippers. A long-term programme has been undertaken at Methley (R; W.R.) where the area around the church has been progressively cleared of 'illegible' stones to allow new burial to take place in the old ground.

A major problem has been the aspect of health and safety in the churchyard where decaying headstones and collapsing table tombs can attract vandals and pose risks to visitors. Where a churchyard has been 'closed' to further burial and has been transferred to the local authority for care and maintenance, then it is possible for a management regime more appropriate to a modern civic cemetery to be introduced that proves to be unsympathetic to historic tombstones and destructive of wild fauna and flora. There have also been unsuccessful proposals to move the great Anglo-Saxon cross at Masham (R; N.R.) within the church for greater protection against erosion. Such transfers have been successful at Ilkley (B; W.R.) – on display in the tower, or at Hovingham (Y; N.R.) – as a focal point of worship in the chancel. Greater protection has also been given to the Anglo-Saxon crosses at Dewsbury (W; W.R.), Rothwell (R; W.R.) and Thornton Steward (R; N.R.).²⁶

REDUNDANCIES

Although there has been a steady case-load of churches considered for redundancy, no medieval church has fallen into this category recently though a number of spectacular Victorian structures by nationally famous architects have. The only one now cared for by the Churches Conservation Trust (formerly the Redundant Churches Fund) is Christ the Consoler at Skelton-cum-Newby between Boroughbridge and Ripon. This is a major work by William Burges and was erected in 1871-2 by Lady Mary Vyner in memory of her son. The other Burges church in Yorkshire is even finer: it is St. Mary at Studley Royal built in 1871-8 for the Marchioness of Ripon. This church is now in the care of English Heritage as part of the Fountains Abbey estate.²⁷

The Churches Conservation Trust has continued to care for and repair its churches, most recently at Coverham and Stanwick (both R; N.R.). It has also issued new guidebooks or revised previous ones.²⁸ It now cares for nine churches in Ripon diocese and North Yorkshire (3 in former North Riding; 6 in former West Riding); 2 in Ripon diocese and West Yorkshire (former West Riding); 2 in Wakefield diocese and West Yorkshire (former West Riding). The two in Wakefield diocese are both Victorian churches: Copley by W. H. Crossland and All Souls, Haley Hill, Halifax by Scott.

One medieval structure for which a new use has been found is the Hospital chapel of St. Mary Magdalene in Stonebridgeway, Ripon; it is now an architects' office. Another

²⁶ West Yorkshire Archaeological Services have put on display in Dewsbury church a recently found decorated stone fragment which may have been the side arm terminal of a priest's chair.

²⁷ Peter Leach, *St. Mary's Church, Studley Royal* (English Heritage 1981).

²⁸ The most recent guidebooks are by Henry Stapleton, *St. Mary's church, Lead* (2000) and by Anthony Barnes, *St. John the Baptist's church, Stanwick* (2001).

redundancy has been at a village chapel in Hunton (R; N.R.) where, apart from a little re-used early Victorian woodwork, the present structure is of 1894; this has a new domestic future. The medieval chapel of St. John with its chantry of St. Edmund was on a different low-lying site in the village.

CONCLUSION

There has been a steady but unspectacular repair programme on church buildings and a desire to keep the churchyards tidy. No sudden disasters have occurred in this region on the scale of the arson destruction at Brancepeth (Durham) or the bomb damage at Manchester cathedral and St. Ethelburga, Bishopgate, London. The main problem has been the slowness in publishing major work of the 1980s and the disappearance of much contract archaeology work into the 'grey literature' thereby hiding it away from all but the most determined researcher. On a positive note county and national parks archaeological officers are far more aware of rescue and recording opportunities at ecclesiastical sites; parishes now regularly commission archaeological field units to undertake contract work for them as part of the planning process.

ACKNOWLEDGEMENTS

This article could not have been written without the kind co-operation over the past decade of the various members of the two advisory committees, especially the Chairmen, the Secretaries (Ripon: Glyn Royal, Mrs. Betty Cartwright; Wakefield: (the late) Dr. John Addy and Dr. Linda Box), the four Archdeacons, the registrars and the architects, especially Neil Birdsall, Denis Greenwood, Peter Hill, (the late) Peter Marshall, Peter Pace and Gerald Wood. During the period under consideration both committees have had a number of chairmen and all four archdeacons have changed through promotion or retirement. All the officers have been continually sympathetic to the archaeological dimensions of ecclesiastical and architectural history.

APPENDIX A: WAKEFIELD CATHEDRAL [FIGS 1-7]

The following report on the 1974 excavation is reproduced with permission from West Yorkshire Archaeological Services. It is part of a longer report that details all the pieces of work in and around the cathedral between 1974 and 1995, all under the direction of the cathedral architect, Peter Marshall. It should be noted that the presence of an Anglo-Saxon church shown on Figure 2 is surmise and that the mentions of such a church by Marshall 1975 and Speak & Forrester 1976 are based on Walker's view that remains found when the cathedral was extended eastwards in 1904 were of Anglo-Saxon date. Walker does not state the nature of the remains or give the reason why he assigned a pre-Conquest date to them. The Anglo-Saxon cross was found reused some 400 yards east of the cathedral, but is presumed to have come from the nearest church (W.G. Collingwood, *YAJ*, 20 (1908-9), 185-6). All that can so far be said is that the earliest group of burials found in 1974 establish a strong case for a burial ground preceding the church of circa 1100 and that burial 124 with a tenth-century or Late Saxon ring is the strongest evidence for a slightly earlier date. Assuming that this ring is contemporary with the burial and not an heirloom, then this does indicate a Late Saxon burial ground.

The central tower shown on Figure 2 is based on Micklethwaite's opinion; there are other possible explanations for the masonry observable at the east end of the south aisle. There is no evidence for the building of the tower detached at the west end in the period 1315-1329 and far more reason from its architecture to assign it to the period 1409-1420 with the western bay of the present church being built circa 1430 to link the new tower to the nave previously of six bays. The enlargements of the south aisle in c. 1220 and in 1315-1329 were not confirmed in the excavation of 1995.

Archaeological Investigations at Wakefield Cathedral 1974 - 1995

By A.C. Swann and I. Roberts
with a contribution by D. Tweddle

Between 1974 and 1995 development and remedial works within the church and precinct of Wakefield Cathedral provided the opportunity for small-scale archaeological investigations to be carried out. The work, in the form of trial excavations and watching briefs, has established the presence of a number of early, possibly pre-Conquest, burials. One of the early graves yielded a finger-ring believed to be of Late Saxon date. Also revealed were the foundations for what is believed to be the smaller 12th-century Norman church. The finds assemblage from the graves and grave earth suggest that many of the interments date to the 17th-19th century, there being very few artefacts of medieval date recovered.

BACKGROUND

Wakefield Cathedral lies on the north side of Kirkgate in the commercial centre of the modern town (Fig. 1; SE 333 208). It is flanked to the north by Westmorland Street, to the

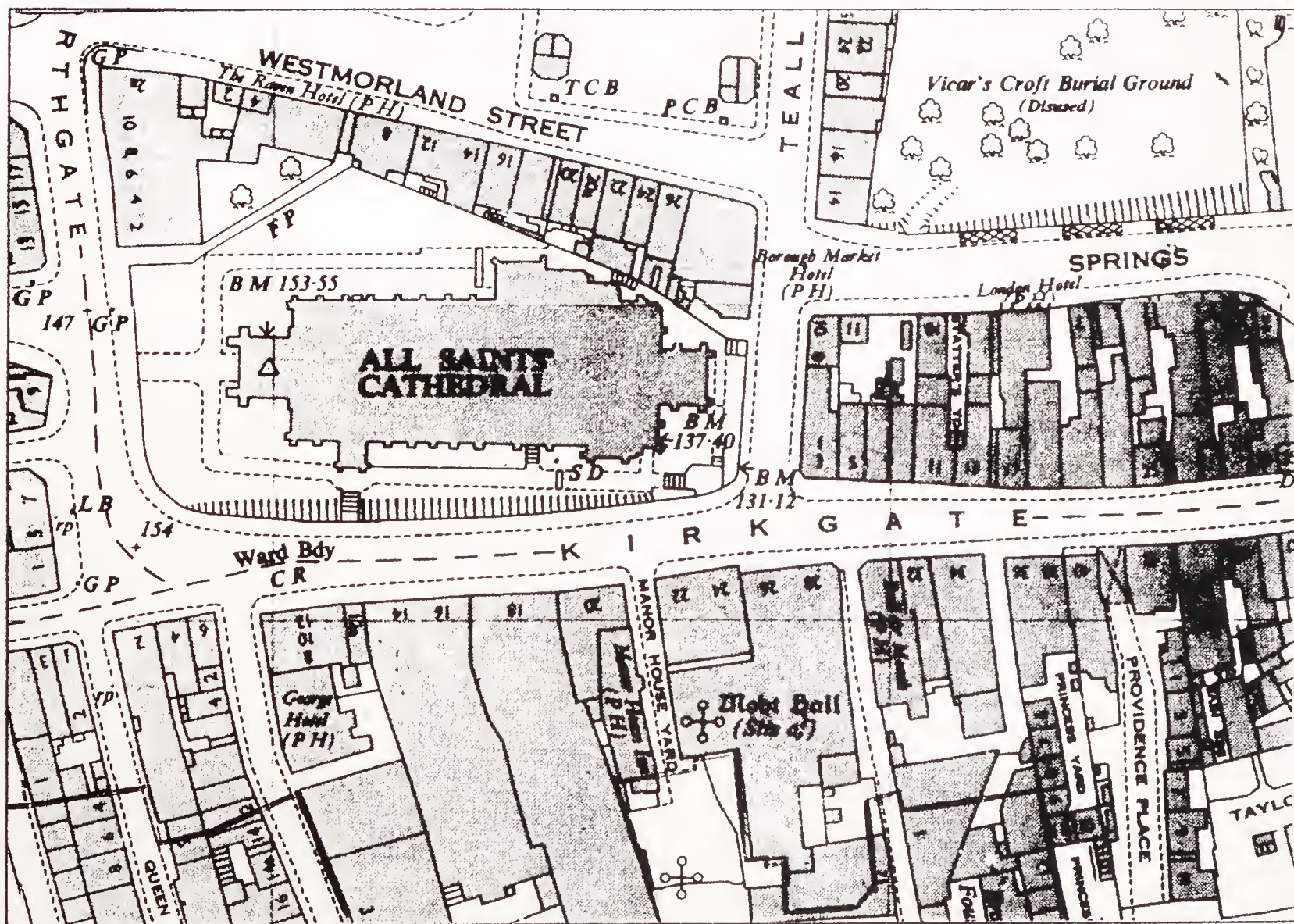


Fig. 1. O.S. Map of 1952 showing the Vicar's Croft burial ground (disused) prior to the widening of the Springs

west by Northgate, with Teall Street to the east, and the Kirkgate precinct to the south. Until it was elevated to cathedral status in 1888 it had been the parish church of All Saints, the product of several phases of development dating from the medieval period. The site is probably the site of one of two churches recorded in Domesday for the manor of Wakefield (Faull 1981b, 212). This notion is reinforced by its early dedication to All Hallows, a dedication typical of pre-Conquest foundations (Ryder 1993, 24). Consequently, it could well have been the church given to earl Warenne by Willam II in 1088-91 (Walker 1888, x, 1). There is little tangible evidence of any Saxon activity on the site, although Marshall (1975) alludes to fragments of a former Saxon building being found during 19th century restoration works. The nature of this evidence is unknown, although a Saxon cross dating to the 10th century is believed to have once stood in the churchyard (Speak and Forrester 1976, 3).

A phased development of the church from pre-Conquest times was postulated in 1888 by J.T. Micklethwaite (Fig. 2). There has been little change to his proposed development of the church from the beginning of the 12th century, although the existence of a 9th-century church is conjectured. The supposed development, as endorsed by both Marshall (1975; see also Speak and Forrester 1976, 11, 24-5) and more recently by Ryder (1993), envisages a 12th-century cruciform-plan church with a central tower. This was enlarged in c.1150 with the addition of a narrow north aisle, followed by the addition of a slightly wider south aisle in c.1220. The collapse of the Norman tower in c.1315 is believed to have prompted the construction of a new west tower between c.1315-29. This was followed by the rebuilding of the whole west end from 1409, culminating with the construction of a 247 ft (75m) high spire in 1420 (Pevsner 1959, 520). In 1458 the aisles were widened to the existing ground plan. Although the north and south fronts were rebuilt in the 18th century, the church remained essentially medieval until the restoration work of Sir George Gilbert Scott between 1858-74. The final phase of development saw the extension of the eastern end and the creation of a crypt between 1898-1905.

The full extent of the churchyard is not known. It is shown on John Walker's town plan of 1823 to have been trapezoidal in plan, essentially contained by the courses of Kirkgate, Northgate and Westmorland Street, with little scope for burial at the narrow eastern end. It may well have been much larger at one time and have suffered encroachment by street widening in the course of the development of the commercial centre since the medieval period. In this respect it is notable that in the 19th century burials were located in the cellar of the Raven Public House in Westmorland Street, to the north of the cathedral. By the middle of the 18th century the churchyard is recorded as being 'inconveniently crowded', prompting the opening of the detached Vicar's (or Vicarage) Croft Burial Ground in 1815 (Walker 1934, 540). This new burial ground lay a short distance to the north-east of the church (Fig. 1).

EXCAVATIONS OF 1974

Early in 1974 the former West Yorkshire Metropolitan County Rescue Unit, under the direction of P. Mayes, was invited to excavate two areas (Areas 1 and 2; Fig. 3) at the east end of the nave where the central aisle floor was undergoing repairs. The excavations afforded the opportunity to investigate the nature, date and degree of preservation of the underlying archaeological deposits in this part of the cathedral, and the possibility that they might

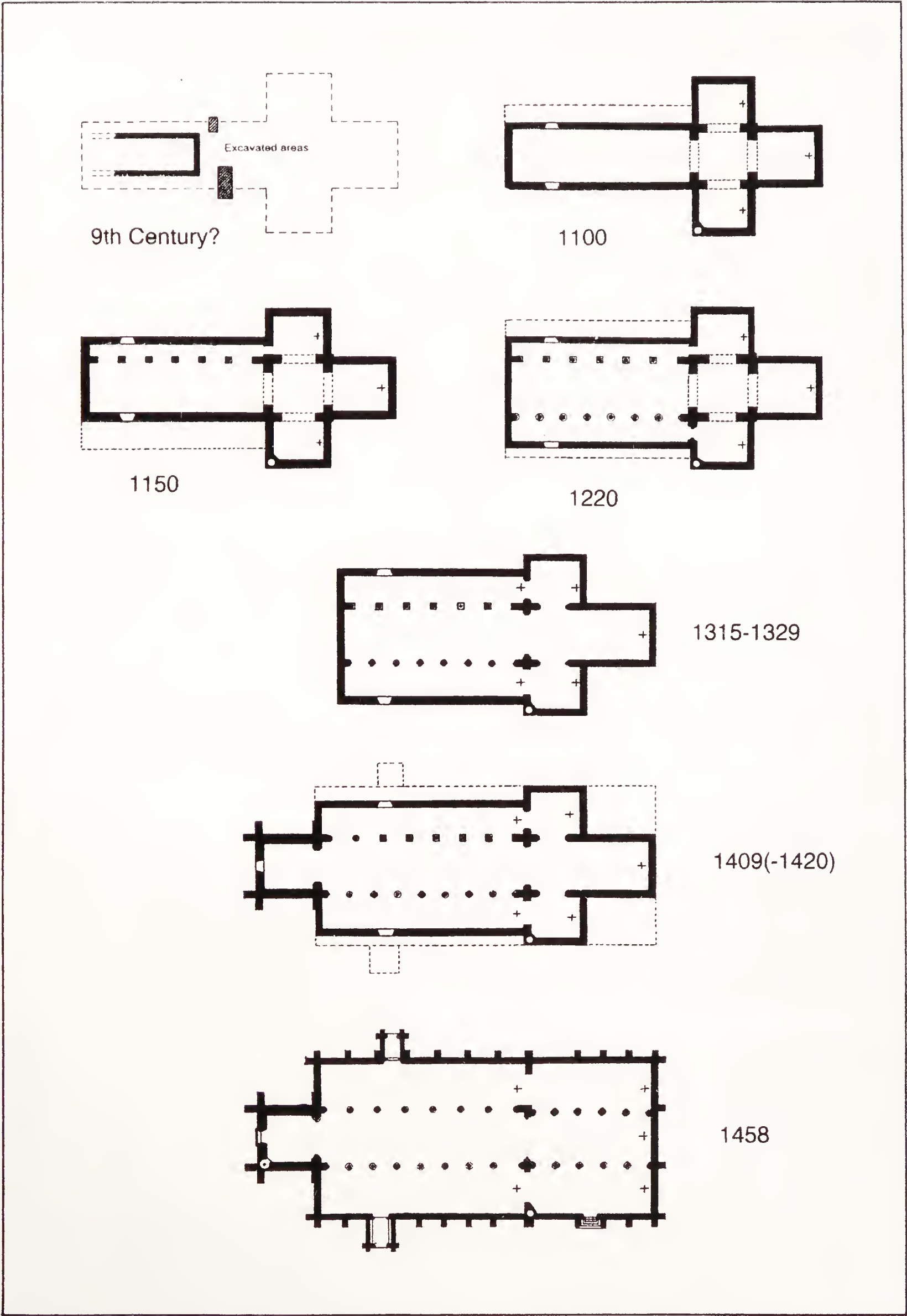


Fig. 2. Phased development of the parish church to the mid-15th century. Based on Micklethwaite 1888

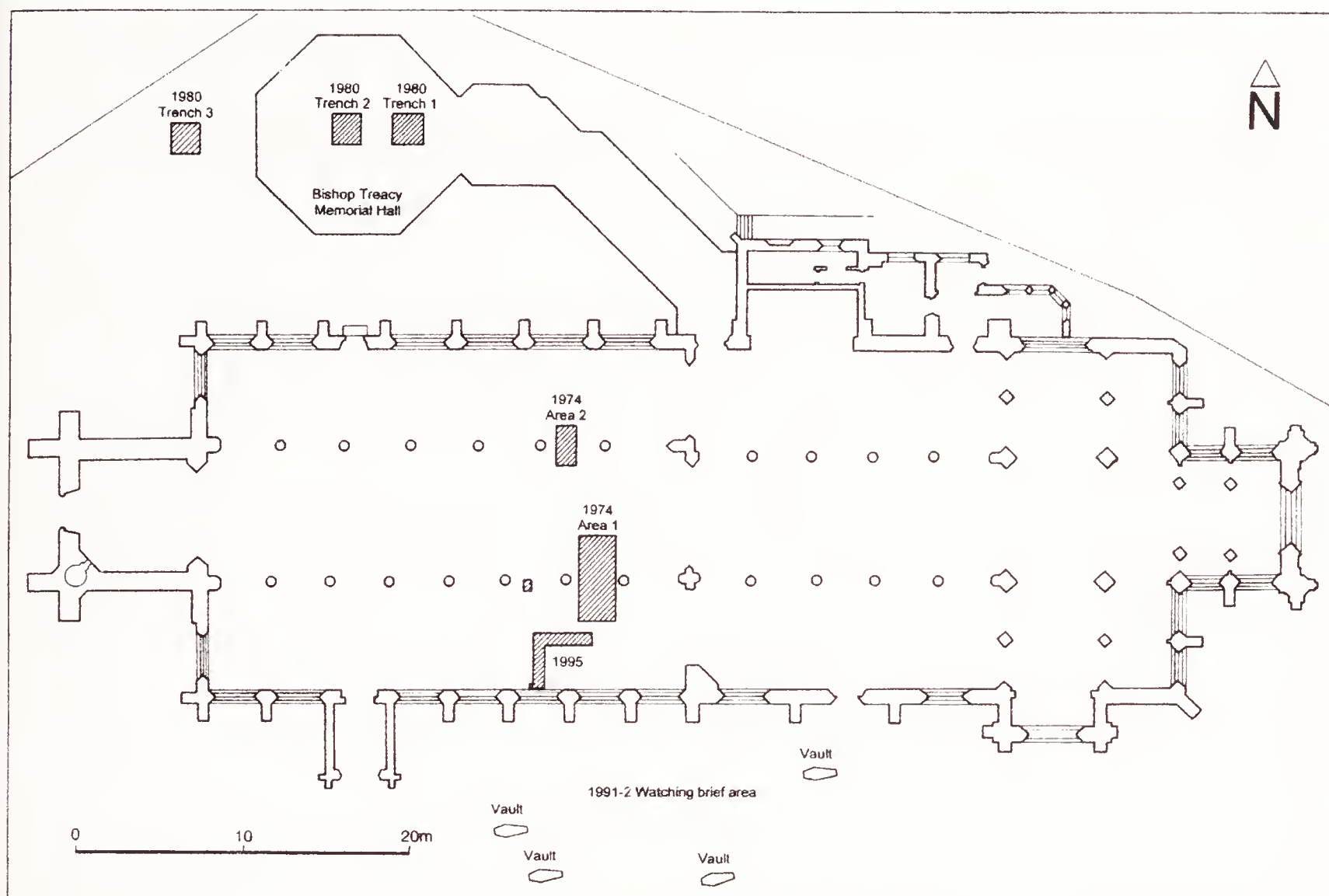


Fig. 3. Location of trial excavations and watching brief observations

throw additional light the history of the site. To date only very summary details of this investigation have been published (see Thorp 1975, Faull 1981a, 188, Speak and Forrester 1976, 4-5).

AREA 1 (FIGS 3 AND 4)

Area 1 measured 2.2m by 5.2m and was situated in the seventh bay (from the west) of south aisle. All pews, concrete pew seating and heating pipes were initially removed by building contractors. Below these a layer of dry sandy soil (100) was encountered. The underlying layers (101 and 102), sandy loams that contained a mixture of construction debris, fragments of human bone and mortar probably represented a levelling off of up-cast grave earth. Below these layers a number of inter-linking east-west grave cuts were apparent which were then excavated and recorded. Only 14 of the graves produced human remains capable of full skeletal analysis, although some 32 individuals were represented by residual material in the assemblage as a whole. Fuller details are in the archive report.

Due to the dry homogenous nature of the soil, identification of individual grave cuts was occasionally difficult. Some twenty-seven individual interments were identified, many having been cut into or superimposed upon earlier graves. On the basis of the physical and stratigraphical relationships available, coupled with the inferences of the spatial arrangement of the graves, interments can be split into three general phases: those pre-dating the Norman church, those of likely 17th-18th century date and those of likely 18th-19th century date. Overall the archaeology might be seen to fall into five discrete phases (I-V).

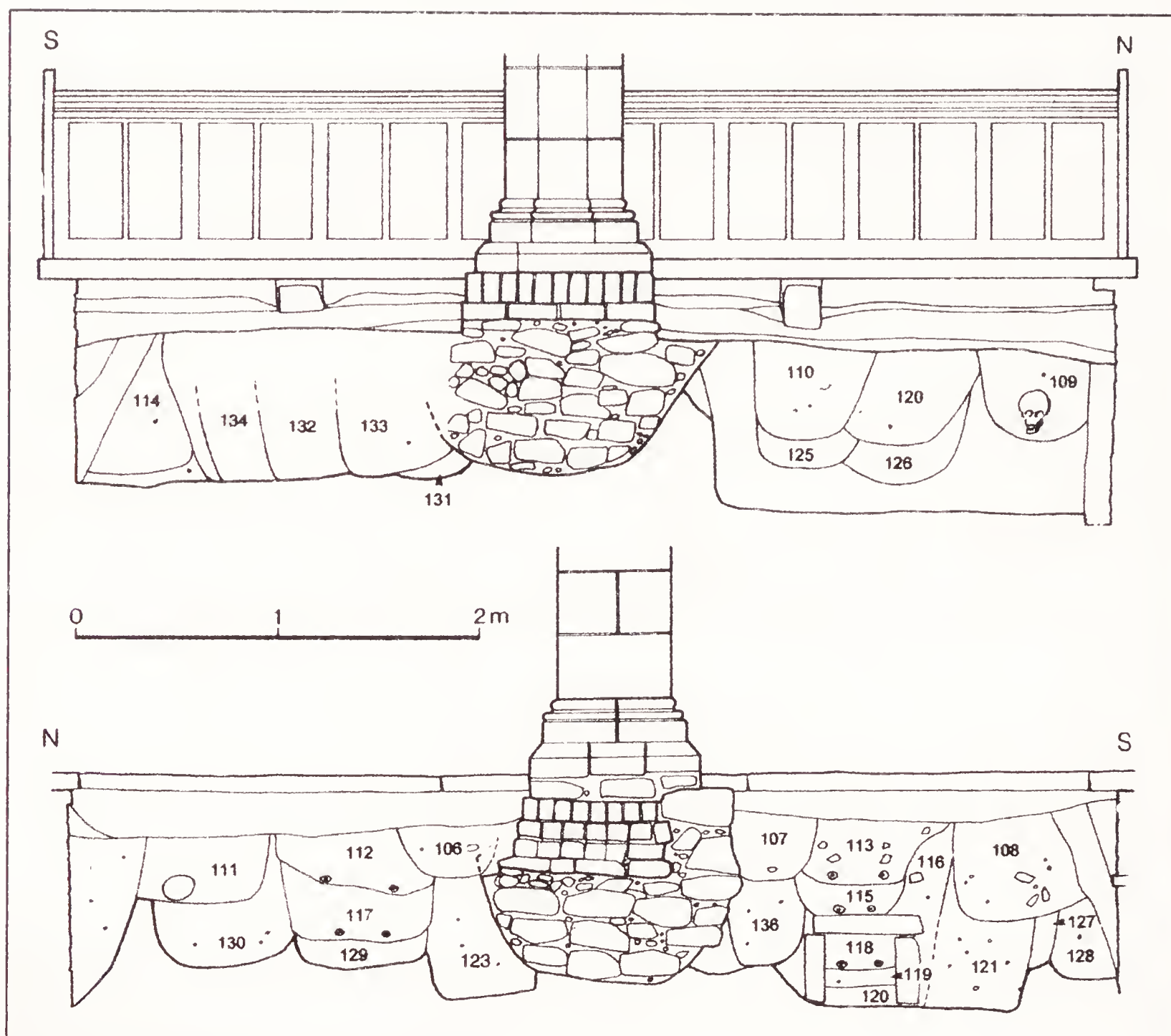


Fig. 4a. 1974 Excavation Area 1 - sections

Phase I (Figs 4 and 5)

Of the thirteen potentially early graves, only six have clear stratigraphic relationships that may allow them to be ascribed to pre-Norman times. Of these, 123, 124, 131 and 136 were cut by the foundation trench for what is believed to be the foundation of the north wall of the Norman nave (122), thought to date to c. AD 1100 (see above), whilst Graves 129 and 133 are demonstrably earlier, having been cut by graves 123 and 124 respectively. Grave 124 is of particular interest in this early group as the remains of c. 25 year old female it contained were associated with a (?silver) finger-ring with a developed zoomorphic design that can be dated to the Late Saxon period (see below). The remaining graves potentially belonging to this pre-Norman phase, but which are not directly associated stratigraphically, are 125, 126, 127, 128, 130, 134 and 135. To a degree all the burials attributed to this phase are mutually exclusive, with little or no inter-cutting, and it is conceivable that they are contemporary. However, exact dating for the graves cannot be achieved and those in the group, not stratigraphically tied to the pre-Norman period, could in reality date to any point in the medieval period. Apart from 124 the only graves of this group containing preserved articulated human bone were 123, 125, 126 and 128.

Phase II (Figs 4 and 5)

This phase is represented by the foundation trench and foundation (122) of the south wall of the Norman nave. From the area exposed it can be deduced that the foundation was composed of roughly coursed stone (at least six courses), some 1.2m wide and at least 1m deep, constructed within a trench with a U-shaped profile.

Phase III (Figs 4 and 5)

A second series of 12 interments are believed to date to the 17th and 18th centuries. The most interesting sequence here are the three successive burials 118, 119 and 120 interred within the roughly fashioned stone cist to the south of the nave. The cist was constructed of two vertical sandstone slabs capped by a horizontal slab. The earliest individual to be buried in this possible family group was represented by 120, a male between the ages of 35-40. The second (119) was another 35-40 year old male, and the third (118) was roughly 35 years old and of indeterminate sex. This location was subsequently used for two further burials, the first of which (115) cut through the backfill of the previous grave to bottom onto the stone lid of the cist. This in turn was cut by a later grave (113). The entire sequence of burial mentioned above was cut by Phase IV grave 108 (see below), which also cut grave 114 to the south which contained the skeleton of an adult male who had suffered from tuberculosis.

To the north of the nave arcade (122) were situated a further four graves attributed to this phase. These comprised 111, 112, 117 and 120. Grave 111, which was cut to the north by the heating duct trench 104, contained parts of an articulated skeleton. Grave 117 contained the skeleton of a 45 year old female. However, all that remained of a secondary interment at the same location (112) were a few fragments of unarticulated bone. Grave 120 revealed the skeletal remains of a 25-35 year old male, but was more notable for a number of artefacts found associated with the skeleton. These included fragments of coffin nails, shroud pins and a knife blade.

Phase IV (Figs 4 and 5)

The latest phase of burial represented in this area seemingly date to between the later 18th

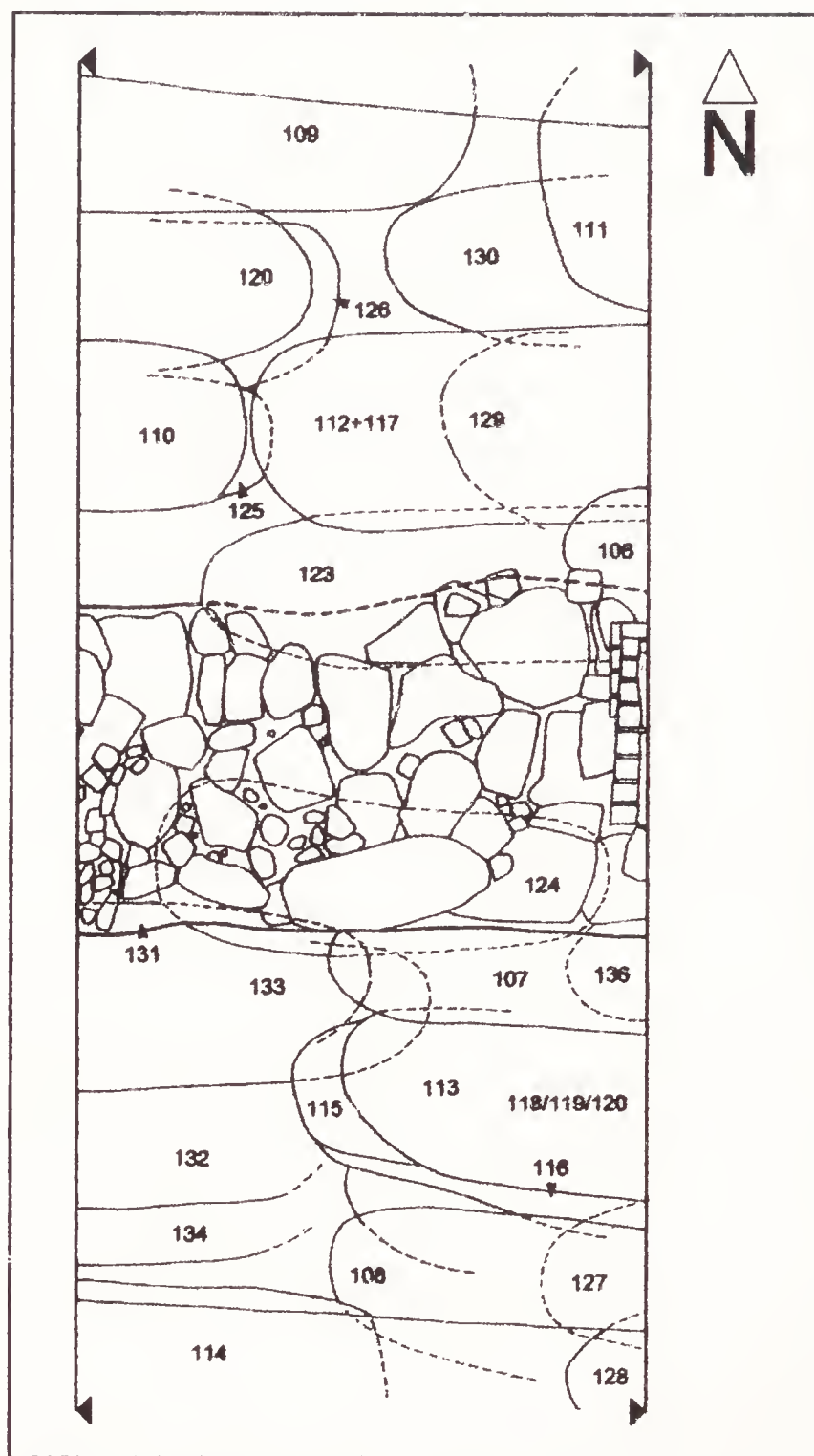


Fig. 4b. 1974 Excavation Area 1 - plan

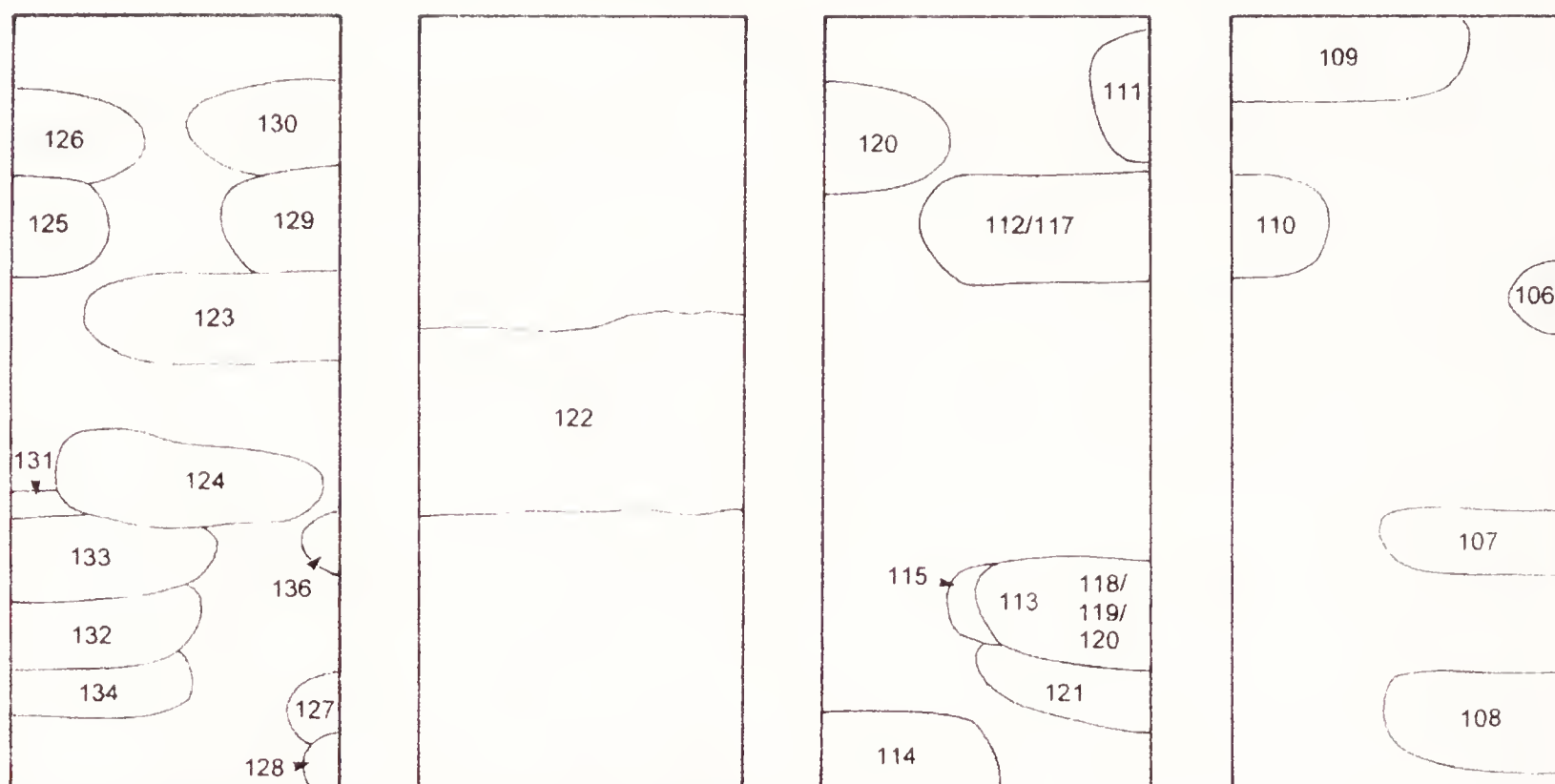


Fig. 5. 1974 Excavation Area 1 - phase plans I - IV

and 19th centuries. A total of five graves were identified, 106, 107, 108, 109 and 110. Spatially the graves seem to respect one another, there being no inter cutting and clear stratigraphic relationships existed in all cases with respect to the graves attributed to Phase III. Only one of these graves, 108, contained articulated bone; in this instance the skeleton of a female who had suffered from spina bifida. The skull and other bones of a neonate of less than six months of age were also associated with this skeleton.

Phase V

The final ground disturbances in this part of the cathedral were represented by the heating duct trenches, 104 and 105, which had respectively cut Graves 109 and 108, as well as a number of earlier graves.

Area 2 (Figs 3 and 6)

Area 2 measured 1.3m by 2.2m and was situated in the sixth bay (from the west) of the north aisle). As with Area 1, all pews, concrete pew seating and heating pipes were initially removed by building contractors. The first archaeological horizon was represented by layers 201 and 202 (the equivalent to 101 and 102 in Area 1). The removal of this layer, some 0.3m deep, revealed the cuts of four east-west graves and a rubble filled foundation trench, 105, running across the centre of the trench on the same alignment. Only three phases of activity could be discerned in this trench, corresponding with Phases I, II and III/IV in Area 1. Details of the graves and burials are recorded in the archive report.

Phase I (Figs 3 and 6)

Two graves, 106 and 107, were both cut by the insertion of the Phase II foundation (105). On the basis that 105 is probably the foundation for the Norman nave of c. AD 1100, these two graves are potentially of Saxon origin. Both burials contained incomplete skeletal remains.

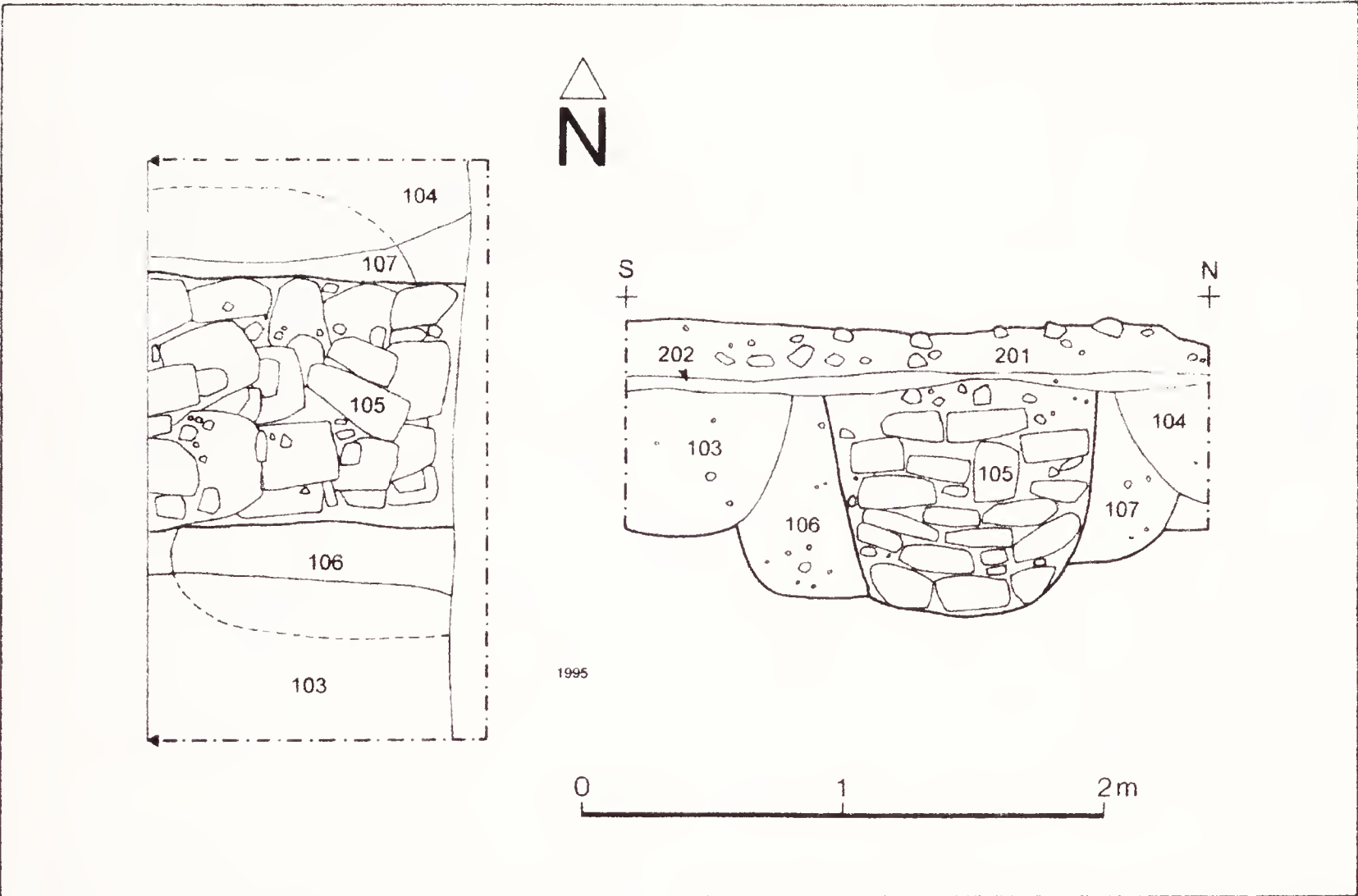


Fig. 6. 1974 Excavation Area 2 - plan and section

Phase II (Figs 3 and 6)

Foundation 105 measured 0.9m wide in plan and was composed of roughly coursed stone rubble (seven courses) of 1m depth within a trench with a U-shaped profile. As stated above, its position and form are consistent with that of the north wall of the Norman nave of c.1100 AD (see above).

Phases III/IV (Figs 3 and 6)

Two graves, 103 and 104, respectively cut the earlier Phase I graves 106 and 107. Moreover, they were positioned in a way that seems to respect wall foundation 105 and the line of the later aisle. No diagnostic finds were recovered from the graves and it remains impossible to date them with any certainty. All the burials contained incomplete skeletons.

EXCAVATIONS OF 1980

In January 1980 excavations were carried out in advance of the construction of Treacy Hall to the north of the cathedral nave (Fig. 3). Burials and vaults were recorded as were the inscriptions on 205 ledger stones dating from 1718-1875, most of which had been moved from the Vicar's Croft Burial Ground (Fig. 1) when that area closed in the 1930s.

WATCHING BRIEF OF 1991-2

The Department of Transport and Engineering in Wakefield MDC carried out works to create a new pedestrianised precinct to the south of the cathedral. The grading of the churchyard slope exposed large quantities of disturbed human bone. Additionally four intact burials in wooden coffins within separate brick built vaults of 19th-century date were

located and recorded (Fig. 3).

WATCHING BRIEF OF 1995

Three trenches dug by the building contractors were observed. Their location is marked on Fig. 3. The small trench located the presumed Norman south nave wall, previously seen in the 1974 excavations. The other results in the south aisle have been mentioned above (p. 87)

THE FINDS

Over 750 artefacts have been recovered from the various excavations at Wakefield cathedral, almost exclusively from the work carried out in 1974 and 1980. The vast majority of the finds are not diagnostic and few are from meaningful contexts; indeed many are totally unprovenanced. Some 495 of the recorded artefacts are residual pottery sherds recovered from the grave earth spits, with 98% (484) of these coming from the 1980 excavation trenches. The vast majority of the copper alloy artefacts recovered are pins and buttons recovered from 19th-century graves, whilst the majority of iron objects represent coffin furniture of the same period. Potentially the most significant item of metalwork recovered, a decorated finger-ring from an early grave excavated in 1974, has since been lost. The present report on the finger-ring draws upon comments made up to 1982 and a photograph of the artefact.

Other finds include fragments of textile and wood (from coffins) recovered from the 1974 work, whilst modest assemblages of glass fragments (74) and clay tobacco pipe fragments (59) were recovered from the 1980s trenches. Only the human remains from the 1974 excavation were removed for examination. Those recorded in 1980 were left *in situ* and were not subject to osteological analysis.

THE LATE SAXON FINGER-RING WITH COMMENTS BY D. TWEDDLE

The ring was found associated with the skeleton in Grave 124, excavated in 1974, a grave seemingly cut by what is believed to be the foundation for the nave of the 12th century church. The ring, which was still extant in 1982, has since been lost (and has possibly disintegrated). A photographic record and a drawing are all that survive in the present archive (Fig. 7). The ring appears to have been decorated with a zoomorphic design in the

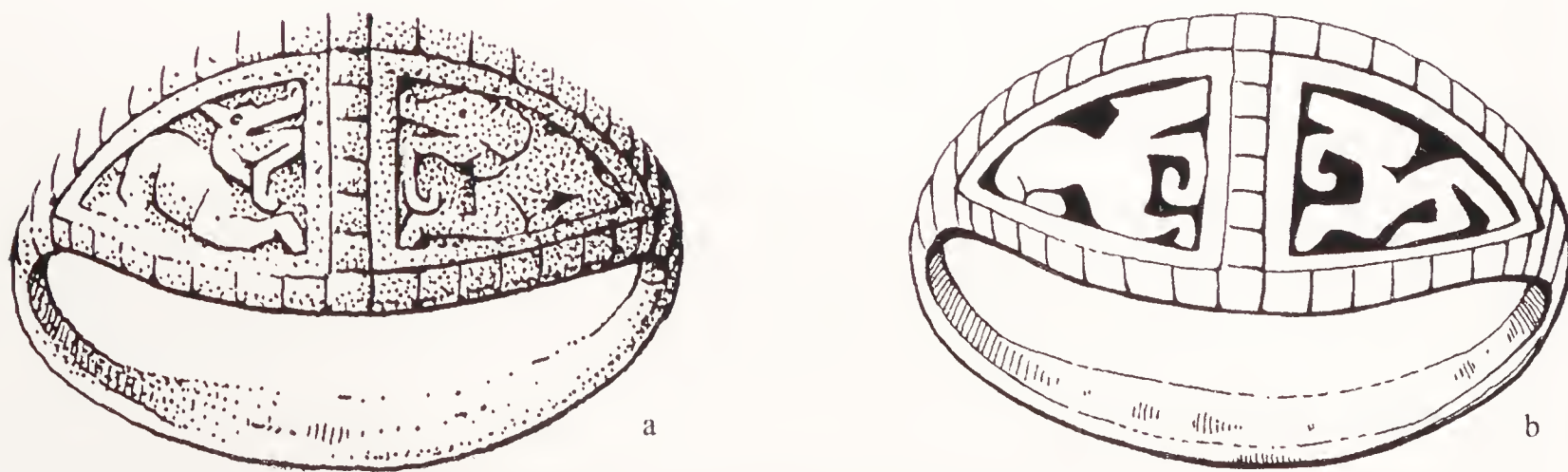


Fig. 7. Anglo-Saxon finger-ring from grave 124

a) initial illustration based upon photographs

b) interpreted enhancement of design (D. Tweddle)

Trewhiddle style, suggesting that it belonged to the Late Saxon period (Faull 1981a, 188).

Dr Dominic Tweddle comments: The object is quite clearly in the Trewhiddle style. The animals are typical in having sub-triangular bodies with small nicks in them and a collar round the neck, although they are not particularly well represented in the existing drawing (Fig. 7a). A number of finger-rings have bezels decorated with Trewhiddle style animals, although the animals are more commonly single than paired. The use of paired animals, however, is a consistent theme in northern art in the 10th and 11th centuries, and is more commonplace on the sculpture of the period. It is suggested that the object is taking a southern art style and re-interpreting it in a way which is more familiar in northern England. The most likely date is 10th century. An interpreted enhancement of the design is provided as Figure 7b.

DISCUSSION

The excavations of 1974 revealed a number of graves that stratigraphically pre-date the earliest structural remains on the site. On the presumption that these structural remains relate to the early 12th-century church, these graves assume a potentially pre-Norman date. The one artefact that could have unequivocally confirmed a pre-Conquest date for one of the early graves was a finger-ring from Grave 124. Its loss is most regrettable, although opinion on the basis of the remaining evidence points to a Late Saxon origin. In wider terms the existence of a Late Saxon cemetery at Wakefield is very significant, it being just one of three now known through excavation in West Yorkshire; the others being at Pontefract (Roberts 2002, 9; Wilmott 1987) and Addingham (Adams 1996).

CONCLUSION

The excavations at the cathedral have been on too small a scale to provide data that can unequivocally substantiate or modify notions about the chronological development of the earlier parish church. There is evidence from the 1974 excavations that supports the theory that the 12th-century nave walls were on the line of the present aisle arcades, and more significantly that a pre-Norman burial ground lay on the same site. No evidence has been found for the Late Saxon church that presumably existed here, although this may not have been a structure in stone.

ACKNOWLEDGEMENTS

The excavations of 1974 and 1980 were directed by the County Archaeologist Phil Mayes. The 1974 site work was carried out by Jake Goodband and Andy Swann assisted by Paul Wood and Stuart Harrison. The 1980 excavations were supervised by Andy Swann, assisted by Steve Wager, Sue Nelson, Phil Swann and Jeny Keighley. Keith Manchester was in attendance on site to record human remains. The watching brief in 1991-2 was undertaken by Ian Roberts, Max Adams and Alistair Webb. The watching brief in 1995 was carried out by Antony Francis.

The authors are grateful to Dominic Tweddle for his comments on the finger-ring, earlier comments having been made by Hazel Wheeler prior to the ring's disappearance. With the exception of the finger-ring by J. Goodband, all the illustrative work for the report is by Andy Swann.

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APPENDIX B: LITTLE OUSEBURN [FIG. 8]

Between 1995-98 a campaign of repair and restoration was undertaken at All Saints, Little Ouseburn under the direction of the architect Peter Pace. During plaster stripping three fragments of Anglo-Saxon carving were found incorporated into the fabric. One piece measuring 25 ins. (64 cm.) long and tapering from 11 to 9 ins. (27 to 23 cm.). was built into the south face of the north nave arcade wall. It appeared to be part of a cross shaft decorated along each exposed edge with fifteen roundels and an extended ovolo-like moulding. Part of the same cross stands loose against the south aisle exterior wall. The second piece (Fig. 8) was built into the west face of the north jamb of the south aisle east window. It showed the lower part of a robed figure with feet emerging from beneath the robe. There is a hint of interlace below the figure. The nearest parallels are at Collingham and Dewsbury of the later ninth century, but on those crosses the toes are not individually carved. This stone was later heavily keyed to receive a plaster surface, thereby obscuring or removing the finer detail. The third stone is at the base of the same jamb but faces southwards. It appears to show part of a different robed figure with the folds of the robe gathered together and part of a head. Also revealed in the plaster clearance was that one of the stones forming the north-east angle of the tower had on its east face a cable moulding; this stone was 4 ft. above floor level. These stones will be the subject of a fuller description and analysis by Dr. Elizabeth Coatsworth for the Corpus of Anglo-Saxon Sculpture.

To assist rainwater drainage a number of gullies and soakaways were dug around the church. No structural evidence was observed but grave earth with 18th-19th century coffin furniture was encountered together with a rotary quern of gritstone, probably of Iron Age date. The west tower was placed on a foundation course of unmortared field stones or boulders 15 ins (38 cm.) deep and spreading up to 9 ins. (23 cm.) west and south of the church without any visible foundation trench. The lowest 12 ft. (4 m.) of the tower was built of large squared gritstone blocks, probably robbed from a Roman structure. This lower portion of the tower butted against the west wall of the nave, which



Fig. 8a. Little Ouseburn: illustration of Late Saxon figure sculpture - scale drawing (author)

still retained a plastered or lime-washed surface on its external wall where protected by or trapped behind the tower masonry. Above 12 ft. the tower was bonded to the nave gable roof. This suggests that the earliest part of the nave is circa 850-950, the lower part of the tower is 950-1050, and the upper part of the tower and the adjacent nave west gable wall is 1050-1150. The dates given here are a general indication in the absence of surviving datable features *in situ* as occurs at Ledsham and Kirk Hammerton; the sequence is clear but the date range is much more open to discussion.



Fig. 8b. Little Ouseburn: illustration of Late Saxon figure sculpture - scale drawing (author)

Opportunity was also taken to examine at close range the cross on the east gable of the nave. This was early 13th century with the figure of Christ crucified (east face) and stiff-leaf foliage on both faces and on the underside of the cross's width. It was formerly on the chancel gable until it was moved at the 1875 restoration.

APPENDIX C: GILLING WEST [FIGS. 9-10]

A comprehensive programme of minor works was undertaken from 1995-1999 at St. Agatha's Church under the direction of the church architect Neil Birdsall. During the construction of drainage trenches and a soakaway to the north-west of the church a piece of Anglo-Saxon cross head (Fig. 9) was found in disturbed ground east of the outer north aisle. It has three strand interlace on both faces of the cross arm and a two strand interlace on the terminal end. The width of the cross arm is plain and has no evidence for a ringed head. It can be loosely paralleled by other cross heads in the

church, but is closer to those at Brompton (Collingwood, *YA/19* (1907), 300, k, l). This cross fragment will be more fully described by Professor Rosemary Cramp and Dr. Derek Craig in a future volume of the *Corpus of Anglo-Saxon Sculpture*. It is likely to have been deposited here as part of the debris from the 1845 outer north aisle construction. Also in a drainage trench west of the inner north aisle was a Nuremberg jeton issued by Conrad Lauffer (1637-68) of Louis XIV type (identified by Craig Barclay of the Yorkshire Museum, who refers to M. Mitchiner, *Jetons, medalets and tokens, I. The Medieval Period and Nuremberg* (Seaby, London, 1988), no. 1764a); it was pierced for suspension, perhaps on a necklace.

During extensive repointing of the west tower it was discovered that the belfry stage of the fifteenth century had been placed on

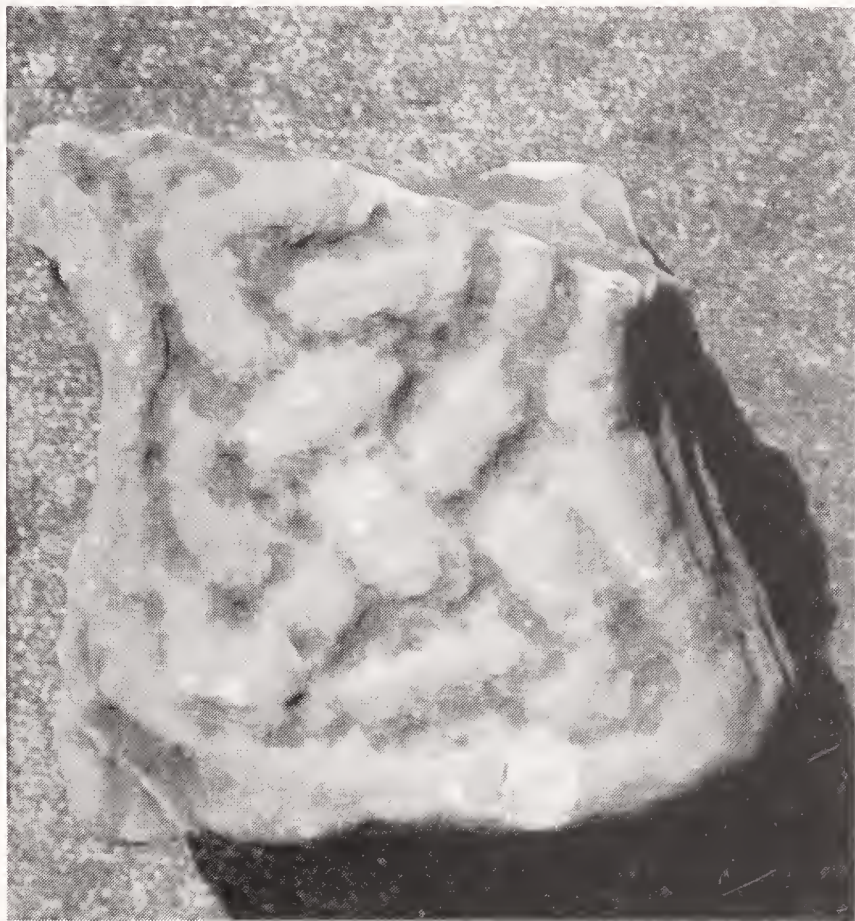


Fig. 9a. Gilling West: Late Saxon cross head (author)

top of the early Norman tower; in order to support the additional weight the four two-light openings were blocked (Fig. 10). The blocking masonry within the round-arched openings was plainly visible from the exterior, but the window blocking can also be seen from within the tower where the corbels to support the joists of the bell frame are inserted into the north and south walls. Until the masonry was briefly removed the form of these windows was completely unknown. Comparable two light openings separated by a single column and a plain capital supporting two round headed arches within the larger window arch can be seen at towers of similar date, such as Campsall, Hornby, Ledsham or Weaverthorpe. The only original Norman window still in use is an almond-shaped lunette in the south wall. The tower stair is a Victorian addition of 1899.



Fig. 9b. Gilling West: Late Saxon cross head (author)



Fig. 10. Gilling West: Early Norman window arch on south face of tower (author)

An early fourteenth-century grave slab inserted into the ornate tomb recess in the south wall of the south aisle close to the east end was examined by a small-scale excavation. The rear wall of the recess was unsound and mortar was loosening from the single thickness of stonework allowing damp, mice and insects to penetrate the church. The gravestone was removed; the loose earth and stone packing upon which it stood was excavated. This filling contained a piece of marble broken from the wall tablet to Matthew and Esther Raine (died 1807 and 1838 respectively) fixed above the arched recess. The earth rested on Victorian paving of 1845, which continued through from the aisle pavement and supported the pew platform. A fuller report was submitted to the architect and to the parochial church council (28/3/1995). The medieval grave slab with its floral head and a sword in low relief had been recorded by Charles Boutell (*Christian Monuments in England and Wales* (London, 1849), 70) and, now more accurately, by Peter Ryder in 1995. This slab is now fully visible within the recess instead of being partly obscured by wall plaster and hidden behind the pews.

THE ROMANESQUE CHANCEL ARCH AT LIVERTON, NORTH RIDING

By Rita Wood

The chancel arch capitals, with carving of figures, foliage and both real and imaginary animals, embody a unified teaching scheme based on two sermons of St. Augustine of Hippo. This scheme covers the Fall, the Incarnation and Christian life here and hereafter. It is likely to have been designed by an Augustinian based, at least temporarily, at Guisborough Priory. Comparisons are made with sculpture locally, in other parts of the county, at Tutbury in Staffordshire and even as far away as Milan. The crane and wyverns are among motifs discussed.



Fig. 1 Liverton church from the south (pictures are of Liverton unless otherwise stated)

INTRODUCTION

Liverton is a small village on the northern side of the North York Moors above Loftus. It is some three miles from the sea, and at a height of about 130m (450ft). The church, now dedicated to St Michael but formerly to St Martin, stands on its own at the lower, northern end of the village and until about 1900 the old parsonage, a traditional long-house, stood nearby.¹ The church has a small nave and a smaller chancel; the nave retains some original Norman walling (Fig. 1). Although there has been extensive repair and restoration in

¹ T. M. Fallow, 'Discoveries at Liverton Church', *Proc. Cleveland Naturalists' Field Club*, 1 (1895-1902), p. 254.



Fig. 2 General view of the chancel arch



Fig. 3 Right-side capitals

modern times, it is evident that no major innovation has occurred since the 1140s when a church of similar dimensions was built by some local landholder, perhaps by Niel de Liverton.² This simple structure was the basic starter church for many a village, and the plain

² *The Victoria History of the Counties of England: Yorkshire, North Riding*, (London, 1923), II, pp. 383-4.

cylindrical font inside it, also much restored, is of the same kind.³ The nearby settlements at Loftus and Easington have lost their medieval churches, but they were probably very similar: before demolition they were described as mean, or plain, and humble.⁴

Even before the wave of Victorian improvements, Liverton church was seen to be decaying and had been restored, so that John Graves writing in 1808 could describe it as 'a small modern-built edifice.' Thomas Fallow published several views of the exterior as it appeared in the late nineteenth century, and it is not immediately recognisable as a medieval church, the fenestration giving the impression of a dissenters' chapel. There was a more extensive, historicising, restoration at Liverton in 1901-2.⁵ Groups of lancets replaced the sash windows, but the bell turret that we now see in the new roof replaced an arrangement on the west gable which had probably been developed from an original bell-cote. Inside, the work included removing the west gallery, lowering the floor, providing a vestry and enlarging the porch. Lord Grimthorpe, Chancellor of the Consistory Court, approving the proposed works without having full particulars to hand, noted on the faculty papers 'the church is apparently of no architectural value, except the Norman arch'. It is a surprise and pleasure to see an almost intact, elaborate and skilfully-carved twelfth-century chancel arch in such simple surroundings (Fig. 2).

The arch is of three orders, of which the two inner orders have the same chevron mouldings while the third has a repeated pattern of masks with stems and leaves coming from their mouths. An arch like that would have been sufficient for the average village church even if the capitals had been routinely formed and the imposts plain. Here, however, the imposts have a stylish foliage pattern (except for a short length at the north end where there is some chip carving) and the capitals are individually carved with a variety of animals, birds and people (Figs. 3 and 4). These capitals at the chancel arch have the appearance of a teaching scheme; this itself is a little unusual as most teaching elsewhere in Yorkshire is on the doorways. But Liverton is an exposed place and it would have been practical to concentrate the carving inside, on the chancel arch, where everyone could assimilate in relative comfort whatever it had to say.

THE TEACHING SCHEME

The right side of the arch

On the right side (Fig. 3), the easternmost or left-hand capital of the three depicts the Fall on its main face (Fig. 5). On the left angle of this capital is Adam and on the right, Eve. Between them on the north face, extending the apple towards Eve - and towards the congregation in the nave - is the serpent in the Tree of the Knowledge of Good and Evil. As is so often the case, the story is conflated, with both the temptation of Eve and the shame of the couple being indicated in the one scene. There are two unusual features, one is that Adam and Eve do not use leaves to cover themselves but place both hands flat on rectangular shapes. These suggest books, such as might be held by apostles, or as are held by the clergy

³ The jambs of the north doorway can be traced externally, it was only 0.8m wide. The font has been restored, with renewed rim and added legs.

⁴ J. Graves, *The History and Antiquities of Cleveland* (Carlisle, 1808), pp. 332, 334.

⁵ The restoration work is illustrated in Fallow, 'Discoveries', pp. 249-254. Faculty papers including plans: Borthwick Institute, Fac. 1901/9.



Fig. 4 Left-side capitals



Fig. 5 Adam; the Serpent in the Tree of Knowledge; Eve



Fig. 6 The Tree of Life

of the capital within the chancel and easily missed, is a small tree with a plaited trunk supporting two leaves and a bunch of grapes (Fig. 6). This is presumably the Tree of Life in the Garden of Eden,⁶ and as a vine it could also refer to the sacramental wine on the nearby altar. There is probably more to it than that, for its threefold form as well as its eastward position suggest it might be a reference to the Trinity, while the Tree of Life itself reappears at the end of the Bible in Revelation as the heavenly reward of the believer.⁷ There is a threefold tree on the Cottam font too, but it is unlikely the workman was the same. It is a novelty which would have been required by the person who decided the content of the scheme.

Next to Eve on the west face of the same capital stands an angel whose narrow wings have their tips upward (Fig. 7). The angel cannot be the one posted at the gate of the garden of Eden (Gen. 3:24) because he does not hold a sword: this angel stands with his hands empty and held irregularly across the body. This is a posture perhaps suggesting fear and awe, even

carved on the font at Kirkburn - but they are, no doubt, the 'aprons' (*perizomata*) of Genesis 3:7. Adam and Eve made their girdles or aprons out of fig-leaves and so are usually shown holding a large leaf, as locally on East Riding fonts at Langtoft and Cowlam, and at Riccall on the doorway. At Barton-le-Street, Adam and Eve use one large hand alone to cover their nakedness, and this is occasionally seen elsewhere. The depiction of actual aprons seems to be unique to Liverton. The second unusual feature of the carving on this capital is that the snake is patterned by scattered pitted holes rather than scales or lengthwise beading. This treatment is not common in Yorkshire but occurs, for example, on the various snakes and dragons on the Langtoft font (formerly at Cottam), and on beakheads at Kirkburn and Healaugh. Whether it is found in adjacent parts of county Durham is not known.

At Adam's right hand, on the east face

⁶ Compare this tree, especially the leaves, to that on fol.17 of the *Hortus Deliciarum*, in the scene of the creation of Eve. See Herrad von Landsperg, *Hortus Deliciarum*, ed. R. Green et al., (London 1979), Commentary, p. 97.

⁷ 'The tree of Life ... and the grapevine refer to future events in human history. They are typological references to the death by crucifixion on a tree of the new Adam, Christ, and to the Eucharist, wherein the body that was sacrificed will save humankind.' P. H. Jolly, *Made in God's Image?: Eve and Adam in the Genesis Mosaics at San Marco, Venice* (Berkeley, 1997), pp. 32-3.



Fig. 7 The Angel

angel, and neither God nor Mary. The angel here represents the Incarnation of Christ, in particular bringing to mind his death, which was necessitated by the Fall.

Gabriel's errand is to Mary, the 'daughter' of Eve. Many parallels and contrasts were made between Eve and Mary in the West in the period, for example, the eleventh-century bronze doors at Hildesheim show Eve suckling Cain opposite Mary suckling Jesus. The Incarnation reversed the Fall, it made possible the 'rising again' of man, that is, his resurrection, ascension and return to the heavenly paradise prepared for him by God in the beginning. The scenes on the Hildesheim doors are placed so that the Genesis narrative reads down the left side, and the gospel reads upwards on the right, a visual fall and rising.¹⁰ Elsewhere, Byzantine-style twelfth- and thirteenth-century mosaics of the Virgin at Venice, Murano and

astonishment: in a manuscript drawing dated to c.1140, a number of angels attending God at the Last Judgement stand like this.⁸ Those angels are stationary and their wings are downward-pointing. The upward-pointing wings of the angel in the carving suggest flight, they could indicate the angel is going on a message. This is perhaps Gabriel, the messenger of the Incarnation, standing in the presence of God and being sent down to earth on this particular errand, as described in Luke 1:26, 27. In English Romanesque art, this is 'a very rare subject of Byzantine origin' and only two examples are known: one in the Shaftesbury Psalter of c.1130-40, and the other in the later Winchester Psalter. In a twelfth-century drawing in a Byzantine source the angel is shown twice in the same scene, standing to receive God's command and flying down to earth, his wings pointing upwards.⁹ In these three drawings, facial expressions together with gesture express amazement among the angels at the commission: the position of the angel's hands in the carving may convey something of this surprise. The carved imagery is severely conflated, more so than for the Fall on the north face of the capital, for all that is shown is the

⁸ C. M. Kauffmann, *Romanesque Manuscripts, 1066-1190* (London 1975), fig. 102 (Cambridge Pembroke Coll. 120, fol. 6v). For a similar human gesture, see R. Wood, 'The Augustinians and the Romanesque Sculpture at Kirkburn Church', *East Yorkshire Historian*, 4 (2003), p. 41, pl. 31.

⁹ For rarity and Shaftesbury Psalter fol. 12v, see Kauffmann, *Romanesque Manuscripts*, Cat. 48 and fig. 131. For both Winchester Psalter fol. 10, and Shaftesbury, see K. E. Haney, *The Winchester Psalter, an Iconographic Study* (Leicester, 1986), pls. 9, 82; pp. 94-5. For the Byzantine example, see C. Stornajolo, *Miniatures of the Homilies of Giacomo monaco* (Rome, 1910), p. 48.

¹⁰ J. Beckwith, *Early Medieval Art: Carolingian, Ottonian, Romanesque* (London, 1969), ill. 135.



Fig. 8 Man and foliage trails

Torcello are bordered by texts which link Eve with Mary.¹¹ The antithesis in the Eve-Mary theme tempted the rhetorician in many writers. An exponent of this reciprocity in the early twelfth century was Bernard of Clairvaux, who in a sermon on the verses in Luke said 'Rejoice, Eve, rejoice in such a daughter...', and in another sermon, 'if man fell by a woman, he is raised up by a woman'.¹² But the antithesis had long been recognised, Augustine of Hippo had said 'It was through a woman that we were cast into destruction, through a woman that salvation was restored to us'.¹³ Appropriate to the carving is an even earlier text, of Tertullian: 'As Eve believed the serpent, so Mary believed the angel.'¹⁴

The capital of the second order is smaller than either of those flanking it, and contains only a man's head with foliage trails coming from the mouth, a motif which is common in Romanesque sculpture (Fig. 8). Foliage is not primarily decorative, but was capable of carrying

¹¹ O. Demus, *Mosaics of San Marco*, 1 (Chicago, 1988), p. 40. Demus remarks that 'the parallel between Eve and the Virgin is hardly to be found in Byzantium: it was a Western idea, and the three Venetian inscriptions seem to be the only examples of it in the Byzantine colonial sphere'.

¹² Bernard of Clairvaux, PL 183, col. 62.

¹³ Augustine of Hippo, sermons 188.3; 184.2; 289.2. See *The Works of Saint Augustine, Sermons*, III/6, trans. E. Hill, (New York, 1993); III/8, trans. E. Hill, (New York, 1994). For the sophisticated exercise of antithesis, see H. Maguire, *Art and Eloquence in Byzantium* (Princeton, 1994), pp. 53-83.

¹⁴ Tertullian, 'On the Flesh of Christ', ch. 17, in *Ante-Nicene Christian Library*, XV/2, ed. A. Roberts & J. Donaldson (Edinburgh, 1870), pp. 200-01.



Fig. 9 The boar hunt

powerful messages: it represented Christ the Vine, or the life-giving blood of Christ, and so eternal life. Whereas classical art had used evergreen foliage to picture life after death, Christian art used deciduous foliage, paralleling the resurrection by the life-out-of-death display of fresh springing leaves. Foliage coming from a man's mouth therefore suggests he is filled with and exhaling the abundant new life of heaven won for him by Christ's incarnation and death.¹⁵ In this instance it also recalls the threefold tree, the heavenly reward, on the east face of the first capital.

The capital of the third order, at the right hand side and next to the nave, shows a boar hunt (Fig. 9). On the north face is a hunter blowing his horn and two dogs, and to the right is a third dog which has taken hold of the boar but is trampled under its foot, a fate which would have been plainly visible to the people in the nave. As with the foliage on the previous capital, this entertaining genre scene is more than it may appear to be, and contains basic teaching. In Psalm 80:13 a boar comes out of the wood and destroys a vineyard, by which the psalmist meant that other nations threatened Israel, God's people. Medieval Christian exegesis would have understood the verse to mean that evil spiritual forces are capable of damaging the Church. The boar would therefore symbolise the Devil. In an actual boar-hunt, the huntsman led a pack of dogs, and tried to control the movements of the wild

¹⁵ R. Wood, 'Before the Green Man', *Medieval Life*, 14 (2000), pp. 8-13.



Fig. 10 Beakhead, foliage and wyvern

creature so that it could eventually be cornered and killed. Good dogs stayed by the huntsman waiting for commands, impetuous dogs tangled with the boar on their own and suffered the consequences. In an allegorical interpretation of the boar-hunt, the huntsman with his horn symbolises the earthly authority of the Church - anyone perhaps, from St Peter to the parish priest, who taught the people. The boar is only finally 'killed' at the Second Coming of Christ.¹⁶ This carving of the boar-hunt cautions the viewer not to take redemption for granted: listening and responding to the commands of the huntsman is vital if one wishes to survive the trials of the world and reach the heavenly life symbolised in the second capital by the man's head emitting foliage and on the first by the Tree of Life. The three capitals on the right of the arch are a unit, teaching about the Fall, Salvation, life in the Church and the hope of heaven. These carvings must provide the most concise summary possible of God's plan of Salvation, but they would have been capable of endless extension according to the capabilities of the teacher.

¹⁶ The iconography of the boarhunt as found in England is discussed in R. Wood, 'The Romanesque Font at St Marychurch, Torquay', *Proc. Devon Archaeol. Soc.*, 63, (2005), pp. 79-98, especially pp. 89-95.



Fig. 11 Mask, foliage and little lion

The left side of the arch

After that tour-de-force, what subject could possibly remain for the carvings on the left side of the arch (Fig. 4)? In the outer capitals there are five complete creatures and the heads of two others used as volutes; there is much foliage on the capital on the right; the small capital in the centre has a woven pattern. It is surely unlikely that all this is empty decoration when so much meaning has been condensed into the three capitals on the right side of the arch. On the left side there are no human figures, there is no suggestion of narrative or allegory as appears on the right. The whole content of this left side is evidently symbolic, it is to be read as a metaphor of spiritual things, in the anagogical sense. The three capitals on the left can be shown to have one main subject, which is life in the regained "heavenly

paradise", and it is surely appropriate that, if the capitals on the right stress sin, suffering and obedience on earth, these on the left might encourage thoughts of eternal bliss.

The bold foliage is similar on the eastern capitals both left and right of the arch. Foliage is lavish in Eden and would similarly have paradisaical associations in the opposite capital too (Figs. 10, 11 compare Figs. 5, 6). The heads on the angles of the capital nearest the chancel emit foliage as does the 'green man' in the central capital on the right side, but with the important difference that while the man's head is regular and he can be seen as a sympathetic and 'good' character,¹⁷ the two bestial heads on the left are self-evidently 'bad'. One of these volutes is a beakhead (Fig. 10), familiar from many Yorkshire doorways which they ring in a menacing crowd with their massive beaks and glaring eyes; the other volute is a vaguely catlike mask of a type which is also quite common, particularly in corbels (Fig. 11). Both are un-natural creatures with a threatening aspect and can be understood as picturing evil spirits or demons.¹⁸ However, in this case both motifs have been distorted, they have been deliberately made lopsided. The beakhead's beak is twisted; of the mask, one ear and one eye is up and the other down. These two malevolent creatures look as though they have been in a fight and lost: they are lesser versions of Satan in a Harrowing of Hell scene, who is trussed up, trampled on and pinned down by the victorious Christ.¹⁹ Whereas Death was forced to give up Adam and Eve and a crowd of the dead, these two individual demons have been forced to emit the swags of foliage in the upper part of the capital. A bestial mask emitting foliage embodies in a direct and simple manner the same idea as a complex narrative illustration of the Harrowing of Hell - that death is forced to yield its prey to Christ, that there is life after death for believers.

Below the foliage, resting on the cable-moulded ring, are two lion-headed creatures. The one on the right, best seen from the chancel, is a complete little lion (Fig. 11). It emits one foliage leaf from its mouth and has a tail which is tipped with another leaf. The simple tail of this small lion may be compared to elaborated ones on those bolder lions in Romanesque sculpture which represent Christ.²⁰ There are three lion-headed creatures in total on the left hand capitals. None are given lavish manes, nor do they look directly at the viewer: these creatures are modest individuals, part of the composition and not the centre of it. They could represent man reborn in heaven, 'a new creature' made like Christ, a younger, adopted, brother of the resurrected Christ, who is *leo fortis*, the strong lion (John 20:17, Romans 8:23). The leafy tongue of the small lion is comparable in meaning to the foliate breath

¹⁷ The symmetry, and thus perfection, of those in heaven is clear in more-developed examples, see E. Kitzinger, 'Some Reflections on Portraiture in Byzantine Art', in *The Art of Byzantium and the Medieval West*, (Bloomington, 1976), VIII, pp. 264-267. This essay compares the depiction of the blessed with that of the living.

¹⁸ The presence of devils ready to pounce was taken for granted in the early medieval period, see for example Bede on the life of Fursey, *History of the English Church and People*, III.19; and Eadmer in his Life of Anselm, II.18; in drawings evil spirits are shown waiting at the deathbed to carry off the souls of sinners, or pulling climbers off the ladder to heaven.

¹⁹ For example, Tiberius Psalter, fol. 14r, see F. Wormald, 'An English eleventh-century Psalter with pictures', *Walpole Soc.*, 38 (1962), pl. 16.

²⁰ *Resurrexit dominus hodie, leo fortis, christus filius dei* is part of a 10th c. trope for Easter in the Winchester Troper. It appears in the *Quem queritis* dialogue, a very widespread formula, see *The Winchester Psalter*, ed. W. H. Frere, Henry Bradshaw Soc. 8 (London, 1894), pp. 17, xvi-xvii. For a lion representing the resurrected Christ, see R. Wood, 'The Romanesque Tomb-slab at Bridlington Priory', *YAJ*, 75 (2003), pp. 73-4, fig. 9.



Fig. 12 Lion and bird

emitted by the man in the centre capital on the right side.

Whereas the small lion on the right of the capital is a complete more-or-less natural animal, the lion's head next to it is combined with other parts to make another, larger, invented creature that fills the remainder of the capital (Fig. 10). It has the head of a lion, the scaly neck of a snake, a pair of winged forelegs and a scaly and beaded tail: this creature is termed a wyvern, and is a combination of the lion with a snake. In bestiaries the wyvern is dealt with under the general heading of 'Snake' and may be illustrated with or without wings. Although there are understandably many negative anecdotes about snakes, the text usually includes a positive one derived from Roman classical tradition which saw in the snake's shedding of its skin and the revealing of a 'new' body a suggestion of eternal life.²¹ There is an example on the tympanum at Dinton (Bucks) where two lion-headed wyverns flank the Tree of Life and an accompanying inscription certifies the interpretation of these animals as representing the blessed in eternal life.²² On a tympanum at Knook (Wilts) a wingless wyvern and a lion

²¹ J. H. Wheatcroft, 'Classical Ideology in the Medieval Bestiary', in *The Mark of the Beast*, ed. D. Hassig (New York, 1999), pp. 141-159.

²² L. Musset, *Angleterre Romane*, 1 (Saint-Leger, 1967), pl. 6. For the inscription and a translation, see C. Keyser, *Tympana and Lintels*, 2nd ed. (London, 1927), p. xxx.



Fig. 13 Bird and bird-lion

together inhabit the symmetrical foliage of the Tree of Life.²³ On the capital at Liverton the two creatures, the small lion and the wyvern, are therefore seen in “Paradise”, and perhaps they are singing praises to God, since they both have their heads turned upwards and eastwards, that is, towards the altar. The angels and the blessed were understood to be singing eternal praises, being joined in this activity by earthly worshippers.

Further creatures are on the capital nearest the nave (Figs. 12, 13). Here there is another small lion, a large bird straddling the angle and a beaked, winged quadruped sucking its leafy tail. The lion (Fig. 12) is similar to the small one in the chancel though it does not emit foliage but bares two rows of even teeth instead. These are not the pointed teeth of a predator but the square ones of a man or a herbivore: it is a peaceful lion - a new sort of lion. The beaked quadruped on the south face of this capital (Fig. 13) has wings from its forelegs as does the wyvern in the capital near the chancel. The creature does not have ears, so it is not a griffin: it is a creature combining the features, and symbolic qualities, of bird and lion. It is a new creature, another invention giving form to the unknown spiritual body that believers will have in the resurrection life (1 Cor. 15:35-38). The bird portion could well be of the same species as the large bird on the angle, the last creature remaining to be discussed.

²³ Keyser, *Tympana*, pl. 34; R. Wood, ‘The Two Lions at Milborne Port’, *Somerset Archaeology & Natural History*, 141 (1998), fig. 2, pp. 4-5.

The bird on the angle stands frontally (Figs. 12, 13) and, whereas in a broader or more sophisticated capital the body could project forwards so that the bird's wings would be held up, displayed or extended in a natural way, here there is too little depth, and no room at all to the sides because of the other animals, which are themselves upended for lack of space. The sculptor has crossed the wings in front of the bird in an unnatural manner. The bird has thick strong legs with long-clawed feet, and between them the tail can be seen. A bird on the angle like this is quite common on capitals on the continent. In Germany or Italy it would routinely be described as an eagle and, while this may sometimes be reasonable, alternative species should perhaps be considered. In particular, the characteristic beak of an eagle would not be well-illustrated by the beak of the bird on the angle at Liverton, which is evenly-curved and tapered, not bent or hooked. It is certain, however, that this bird is too heavy in the beak and too thick or long in the leg to be the favourite bird of early Christian art, the dove.

The eagle was much used in classical art, which had such an influence on Christian forms. Familiarity with the earlier work may account for the widespread assumption in Italy and Germany that a bird on the angle of a Romanesque capital must be an eagle: but by the twelfth century many other sources were influential. There are more birds carved in England, not dissimilar from Liverton's, which have heavy beaks, strong legs and a displayed tail, for example, at Hampnett (Gloucs) and at Melbourne (Derbyshire). In three out of the four examples in Figure 14 the birds hold a stone in one foot, which attribute is enough to define them as cranes, according to bestiary texts.²⁴ The birds at bottom right (from Melbourne) are long-beaked, long-legged birds with large tails, so they resemble cranes, and they are in the heavenly context of abundant symmetrical foliage. None of the birds is holding a stone but since they are depicted in heaven they certainly need no longer be standing on guard. The bird on the angle at Liverton has the straight tail and short legs of the Hampnett birds rather than the natural crane's distinctive flounced tail and long legs as at Melbourne, bottom left. Both cranes and eagles might have been seen in the skies of Norman England but, as with foliage, sculptors followed conventional models which were only tokens of physical reality.²⁵

The crane was more popular with the authors of the bestiary than the eagle was, for while a number of largely negative anecdotes are attached to the eagle, the crane could support a unified, lengthy and positive narrative - this bird 'can teach the nature of religious life'.²⁶ The bestiaries say that cranes holding stones represent those who watch faithfully through the night of this world on behalf of their companions.²⁷ Combining this character with a revision for Christian use of the old fable of the Fox and the Crane, the bird became the symbol of one who would eventually feast at the heavenly banquet as a reward for his steadfast faithfulness. This fable was illustrated at Melbourne, where the worn carving to the right of

²⁴ For a photograph of the two cranes drinking from a chalice, see M. Tisdall, *God's Beasts* (Plymouth, 1998), fig. 125. Despite the caption, the birds are not doves because each clutches a stone. For the examples at Melbourne, see Wood, 'The Romanesque Church at Melbourne', *Derbyshire Archaeol. J.*, 126 (2006), pp. 133, 144-46; fig. 5, plates 4, 13.

²⁵ D. Hill, 'The Crane and the Gyrfalcon in Anglo-Saxon England', *Medieval Life*, 3 (1995), p. 32, and cover illus.

²⁶ The Aberdeen bestiary fol.46 on Grues, the crane. See web-site at www.abdn.ac.uk/bestiary.

²⁷ T. H. White, *The Book of Beasts* (London, 1954 reprinted Stroud, 1992), pp. 110-12.

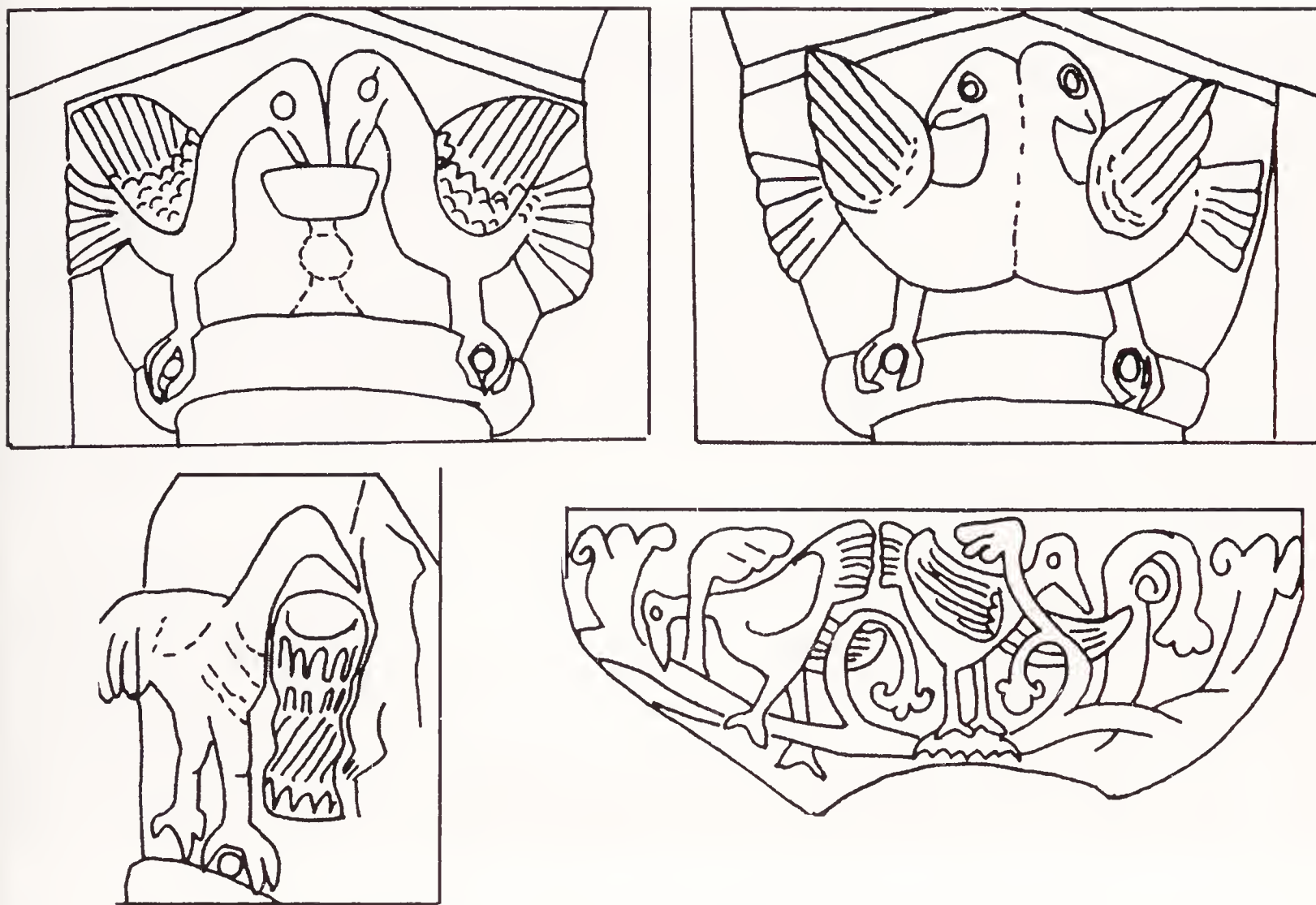


Fig. 14 The Crane at Hampnett (Gloucs), top and Melbourne (Derbys), bottom

the chalice is of a fox reaching up but unable to drink (Fig. 14, bottom left).²⁸ Contrast this teaching about the afterlife, so appropriate to the suggested context at Liverton, with one of the favourable anecdotes about the eagle: the bird is a model for 'flying high' to seek refreshment with God, and thus gaining renewed strength to return to daily living.²⁹ This moral, related to life on earth not to life in heaven, makes the eagle unlikely to be the species carved on the left side of the chancel arch at Liverton.

If the bird were indeed a crane and represented one of the flock of the faithful in heaven, it would be a fitting counterpart to the good dogs belonging to the pack on the opposite capital, who represent the faithful among the congregation. The carvings would then present to the parishioners in the nave the faithful (the huntsman and the two obedient dogs) as transformed into the inhabitants of heaven (the crane and the two other creatures). This change seems to be paralleled in another scheme with a boar hunt, that on a doorway at Little Langford (Wiltshire), where there are three dogs with their huntsman on the lintel and, in the tympanum, three dove-like birds sitting in foliage next to St. Peter (Fig. 15).³⁰

²⁸ also Wood, 'Bridlington', pp. 71, 73; fig. 6.

²⁹ White, *Book of Beasts*, pp. 105, 107. An eagle in profile flying upwards is carved at Stillingfleet on a voussoir of the south doorway, one of three creatures enacting some allegory. The beak is clearly hooked and the tip overlaps the lower mandible.

³⁰ As well as the boar-hunt, a number of other subjects and forms at Little Langford occur at churches mentioned in this paper: a capital with a woven pattern, and next to it, one with a symmetrical man and foliage trails: this distorted figure is woven into the foliage trails as figures are at Melbourne. In the tympanum there is a panel of star pattern, compare fig. 18 (Kirk Levington). See Wood, 'St Marychurch', pp. 94; 95-96.



Fig. 15 Little Langford (Wilts): doorway (photo: Michael Tisdall)

The 'gesture' the bird makes with its wings is not a natural one. No bird can physically stand like this: this is a human posture, and consistent with the bird representing a human being. Just as the gesture of the angel on the other side of the arch accords with its narrative significance, expressing awe and surprise, so this abnormal position of the wings could describe the attitude of the human soul in heaven. The tip of the bird's beak is sunk in its breast, which may be a further meaningful detail and not just a practical precaution at the angle. Human postures with the head lowered and the hands folded across the bowed body suggest inwardness, self-effacement and humility, and were used in personifications of Piety in Regensburg manuscripts of the 1020s.³¹

The middle capital on the left side is again a small one, and it has only a pattern, but it should not be overlooked on either account (Fig 4). Grid patterns were used to indicate 'heaven' in manuscript illuminations,³² and woven patterns may have borrowed some importance from earlier insular patterning of a more elaborate kind. The woven pattern is not common in English Romanesque sculpture, but tends to be found on chancel arches as, for example, at Healaugh, West Riding.³³ The purity and regularity of geometric forms were thought a fitting equivalent for the highest spiritual presence.³⁴ Considering the three left-

³¹ H. Mayr-Harting, *Ottonian Book Illumination: an historical study*, I, (London, 1999), figs. 76, 77, figures labelled *pietatis* and *pietas* in corner ornaments (*Uta Codex*, *Montecassino Gospel Book*). For posture, compare Wood, 'Kirkburn', fig. 34.

³² R. Wood, 'Geometric Patterns in English Romanesque Sculpture', *J.B.A.A.*, 154 (2001), pp. 12-14.

³³ Wood, 'Patterns', p.17, figs. 20, 21.

³⁴ See M. H. Caviness, 'Images of Divine Order and the Third Mode of Seeing', *Gesta*, 22/2 (1983), pp. 99-120.



Fig. 16 Chancel arch, outer order

hand capitals as a group, this central one with its pattern may suggest the holy of holies in the centre of heaven.³⁵

The potential for using this chancel arch as a visual aid extends into the imposts and arches. The two orders of chevron mouldings frame the chancel space and suggest the power and glory of God's presence on the altar there (Fig. 2).³⁶ The imposts (Figs. 3, 4) and the outer arch (Figs. 2, 16) are rich in foliage patterns. The foliage in the arch is emitted by bestial masks which resemble those often seen glaring from corbels. These things again suggest resurrection and heaven.

COMPARISONS, SOURCES AND QUESTIONS

Local comparisons

There is little that can be discovered about the builders of the basic nave and chancel. Related or nearby churches of the period have either been demolished or are radically altered from their original form: Hilton and Kirk Levington are the nearest, most complete buildings for comparison. However, questions about the origins of the sculptors of the chancel arch and of their models, and about the designer of the particular teaching scheme in the capitals may fruitfully occupy the rest of this paper.

The gift of the church to Guisborough Priory by Henry son of Conan took place some time after 1170 and was confirmed in 1218. At the time it was built therefore, in the 1130s or 40s, Liverton church was in lay hands, it was the small church of a small lord. The highly-skilled men who must have been involved in making the chancel arch were no doubt primarily in the area to serve a great church or a religious community, that is, either Guisborough Priory or Whitby Abbey (respectively Augustinian and Benedictine communities).³⁷ Unfortunately, little sculpture of the early twelfth century remains for comparison at either

³⁵ Compare Hildegard of Bingen, *Scivias*, trs. B. Hozeksi (Santa Fe, 1986), vision 6, miniature 9, p. 66.

³⁶ Wood, 'Patterns', pp. 22-25.

³⁷ The priory of Handale or Grendale was founded in 1133 by William Percy of Dunsley in a valley south of Loftus and east of Liverton. It was a small Cistercian nunnery that has left little historical or material record, see *VCH Yorkshire* III, p. 165.



Fig. 17 Kirk Levington: chancel arch capitals with bird

site. Sculpture from Guisborough exhibited in 1993 included only one item datable before the late twelfth century, this was a corbel with a mask which is similar, but not similar enough, to masks on the label at Liverton.³⁸ Whitby Abbey has yielded a few fragments of 12th century sculpture, but nothing that resembles the Liverton work.³⁹ No obvious base suggests itself from which the clerical designer of the scheme or the craftsmen might have come.

Luckily, the manorial situation gives a strong hint as to where Liverton's loyalties lay. The mesne lords were the Brus family, and Robert de Brus had founded Guisborough Priory some time between 1119 and 1124, while his brother William was the prior until at least 1132, perhaps until 1139. Robert himself died about 1141, but the family remained patrons of the priory up to the Dissolution.⁴⁰ Of the local churches in the foundation gift, there is little if any twelfth-century fabric left at Danby and Skelton, the chief places in the Brus lordship. At Kirk Levington church however, another in the gift, something of the chancel arch survives and this includes a (now headless) bird on the angle of a capital (Fig. 17). On both sides of the chancel arch, carving extends onto the 'wing' of the capital of the outermost order to include a lion: at Liverton the boar is in this position.⁴¹ Opposite the bird is a capital with a man's head on the angle, accompanied by a panel with chip-carved stars and another incised with a geometric pattern (Fig. 18). If the bird is a crane and teaches endurance in the hope of final reward, this teaching is reinforced by the motif of the man's head with stars, a very literal representation of man in heaven. The motifs of the man among stars and the man emitting foliage are equivalent since both picture man living in the after-life. The use of star patterns rather than foliage at Kirk Levington suggests an earlier date than the Liverton

³⁸ *Romanesque: Stone sculpture from Medieval England*, ed. B. Heywood, (Leeds, 1993), p. 44, pl. 15.

³⁹ Two small masks are exhibited by English Heritage at the Abbey. Photographs in the Conway Library show further fragments but, again, nothing resembling the sculpture discussed in this paper.

⁴⁰ *VCH North Riding*, 2, pp. 383-4. For William, see Janet Burton, *The Monastic Order in Yorkshire 1069-1215*, (Cambridge, 1999), p. 78. The Brus monument in Guisborough parish church came from the Priory church adjacent, as did the tile mosaic reset around it.

⁴¹ The chancel arch at Adel, near Leeds, also has carving in this position, but it is not common there. Motifs at Adel quite often recur in the Wolds area.



Fig. 18 Kirk Levington chancel arch: man and stars

work, as does the character of the contemporary south doorway with its orders of shallow chevrons and the same compact, voluted capitals (Fig. 19).⁴² But the chancel arch at Liverton, for all its foliage, also has that short length of chip-carving at the north end of the impost, so the two styles were in a period of overlap.

In the mid twelfth century the Brus family were the mesne lords at Easington, as they were at Liverton, with the Rossel family as under-tenants.⁴³ The patronage of the church was bequeathed to Guisborough priory by Roger de Rossel sometime between 1154 and 1186.⁴⁴ The present nineteenth-century church at Easington preserves most of its twelfth-century chancel arch reset in a balcony room at the first stage of the tower: the carving is likely to be earlier than the date of the gift to the priory.⁴⁵ This arch too has a bird on the angle of one capital; unfortunately it also is headless (Fig. 20). There are, or were, two heads of men on the corners of other capitals, and these men emit foliage trails (Fig. 21, compare Fig. 8). The chancel arches at Kirk Levington and Easington have limited teaching in their capitals compared with that at Liverton, nor is either arch as large, however, all three churches had some recorded connection to Guisborough Priory, and all

⁴² *VCH North Riding*, II, pp. 262-3 with drawing of chancel arch. The nave was entirely rebuilt on old foundations in 1888. The original south doorway was reused, and looks to be of early date. The second order had octagonal shafts, but all the decoration is geometric.

⁴³ Liverton formed a parochial chapelry to Easington in 1587, *VCH North Riding*, II, p. 340.

⁴⁴ *VCH North Riding*, II, pp. 340, 342, 336. Roger was a priest.

⁴⁵ *VCH North Riding*, II, p. 342; pl. opp. p. 344. Easington is about 2 miles east of Loftus. Loftus was waste and had a church (but not a priest) in 1086; the church was given to Guisborough Priory some time between c. 1180 and 1205 by William de Sauchay, *VCH North Riding*, II, p. 386. A pattern, perhaps derived from hanging lamps, is used on one capital and has otherwise only been seen on a capital at Kirkburn church, which is usually dated to c. 1140.

three chancel arches have a bird straddling the angle of a capital, a motif otherwise rare or unknown in England. The appearance of each bird is distinct (Figs. 12, 17, 20). Liverton has a bird whose pose is uniquely adapted to the teaching scheme, Kirk Levington and Easington have birds with spread wings, which is the usual pose on the continent. At Kirk Levington the model seems not to have been taken from sculpture but from a drawing, and the Easington bird, though having conventional sculptural treatment of the wings, does not have the heavy legs of the bird at Liverton but more those of a dove. Placing a bird on the angle is therefore not due to the fancy of a single workman but must have originated with those in charge of the content, those who supplied the models and described the desired effect to the various workmen.



Fig. 19 Kirk Levington: south doorway

The designer

It may be necessary to remind the reader at this point that the Augustinians were not monks but regular canons, they were priests who lived in communities; the order came to favour in England in the early twelfth century because of its potential for efficient parochial work. In this regard the authority over them would have been that of the local bishop, that is, at this time in Yorkshire, Archbishop Thurstan, whose name appears in charters as encouraging donations to the order.⁴⁶ A study of sculpture at Kirkburn church in the East Riding, which had been part of the foundation gift to Guisborough priory, showed corbel sculpture was placed with a practical concern for effective teaching, in that individual corbel subjects each embodying extended teaching were grouped on the south side of the nave, with a more general array of corbels on the less frequented north side.⁴⁷ Good lighting and shelter may have been considered here, as well as the oft-cited symbolic opposition of dark and light.

⁴⁶ For instances of Thurstan's involvement, see J. C. Dickinson, *The Origins of the Austin Canons and their Introduction into England*, (London, 1950), pp. 127-8, and the gift by Robert and William Fossard (discussed in the section below on the designer; notes 54-56).

⁴⁷ Wood, 'Kirkburn', p. 25, etc.



Fig. 20 Easington: bird on reconstructed chancel arch

Certainly local climate could have influenced the placing of sculptural schemes inside churches on the north side of the North York Moors, rather than on their doorways. There are no remains of a doorway with sculpture at Liverton, but the greater part of any teaching material must surely have been on the chancel arch. At Kirk Levington it is the carving on the chancel arch (Figs. 17, 18) rather than the doorway (Fig. 19) that has the lessons. There are two entwined serpents on one capital, but that seems to be all that has been added to a standard early twelfth-century doorway.

In the East Riding it has been observed that the Augustinians could be involved in sculpture at churches which they did not hold, and this seems to have been the case at Liverton and Easington, which both had lay patrons. At Bridlington and Kirkburn the Augustinians used the fable of the Fox and Crane to embody for the layman the idea of perseverance in this world and reward in the next.⁴⁸ However, it has been suggested above, from the parallel with the tympanum at Little Langford (Wilts.), that at Liverton the crane might represent the resurrection body of the huntsman, that is, the one who guides the believers, most obviously, their priest. Some bestiary manuscripts use the flock of cranes to allude to an ideal community of brothers, *fratres*, stressing, for example, the co-operative behaviour a flock of cranes.⁴⁹ These passages seem to be describing communities of Austin canons, for the term *fratres*

⁴⁸ Aesop's fable tells of the meals given by the Fox to the Crane and vice versa. This was reworked at some stage to give the Fox a bad character, and the meal at which the patient Crane can at last feast becomes one in heaven. Other cranes are, for example, carved at Kirkburn, Bridlington and Melbourne (Derbys.), in each case in an Augustinian scheme.

⁴⁹ See Wood, 'Melbourne', p.45, for a flock of Cranes as a symbol of an Augustinian community.



Fig. 21 Easington: man and foliage trails

was applied to them by others as well as being used between themselves.⁵⁰ It seems only reasonable to suggest that the designer of the teaching scheme in the capitals of the chancel arch at Liverton would have been an Augustinian, and one likely to have been based, at least temporarily, at Guisborough.

As with workmen, there is virtually nothing that can be known of designers except by tracing the distinctive features of their work. We cannot be sure they travelled to all the places for which they produced designs, though it would seem practical, even necessary. Regular canons did not take vows of stability or enclosure as monks did, and in the early twelfth century they might expect to live away from their community house for a period in order to minister at a parochial church, or perhaps indeed for this more specialised work.⁵¹ These works in Yorkshire may not be without comparison. J. C. Dickinson mentions the house of St. Ruf, in the south of France, which 'in the late eleventh and early twelfth centuries... ranked among the finest flowers of the order.', this house 'was the centre of an

⁵⁰ The Aberdeen bestiary seems to be written for a community, comparing to cranes 'those discerning brothers who provide temporal goods for their brethren in common and have a special concern for each one of the community. They watch over the obedience of their brothers, as far as they can, protecting them prudently from the assaults of devils and the incursions of this world' (fol. 46r); translation from web-site, see note 26. On the use of the word *fratres* (brothers) for the Augustinians, E. J. Dobson, *The Origins of Ancrene Wisse*, (Oxford, 1976), p. 42-45, says that the members of Augustinian congregations were regularly called *fratres* in their legislation, and that writers in the thirteenth century likened the preaching friars (also *fratres*) to the Augustinians. The Bridlington Dialogue uses the term, see Robert of Bridlington: *The Bridlington Dialogue: an exposition of the Rule of St Augustine for the life of the Clergy*, trans. and ed. a religious of C.S.M.V. (London, 1960). Monks would presumably have addressed those among them who were priests as pater.

⁵¹ Robert of Bridlington: *Dialogue*, pp. 32-37. Also discussed in Dickinson, *Origins*, pp. 219-20.



Fig. 22 Lythe: man and foliage trails

important school of architects and sculptors'.⁵² Where in England might our regular canon skilled in the art of design have been based? Some features of the design at Kirkburn can be related to that at Melbourne in Derbyshire:⁵³ if the same man had worked also at Liverton, it seems likely that he would have been permanently based at a priory more central than Guisborough. In this regard it may be worth noting that the motif of the man and foliage trails (Fig. 8), occurs not only in the reconstructed chancel arch at Easington (Fig. 21) but in a somewhat similar form at Lythe (Fig. 22). The head on the loose capital extends up into the impost, which is an improvement on the Easington example, but a shared feature is a deep hollow moulding enclosing large domes, this is used at Easington on the second order of the arch, whereas at Lythe it seems to have decorated the jamb. Lythe church and an estate of 10 oxgangs had been given, not to Guisborough, but to Nostell Priory by Robert Fossard and William his son, this was at its foundation in 1121.⁵⁴ Nostell was the first Augustinian house in Yorkshire, and although this priory received many gifts from the other Ridings, Lythe is the only church given to it from the North Riding.⁵⁵ Niel Fossard gave with it churches and land at Wharram-le-Street in the East Riding, and Bramham in the West Riding; the three were combined as a prebend of York Minster by Archbishop Thurstan: the canons had

⁵² Dickinson, *Origins*, pp. 42, 194. Recent works mention priories of the order in France and Spain that were dependent on St Ruf, and their sculpture, but do not discuss their parochial churches. See U. Vones-Liebenstein, *Saint-Ruf und Spanien: studien zur Verbreitung und zum Wirken der Regularkoniker von Saint-Ruf in Avignon auf der iberischen Halbinsel* (11. und 12. jahrhundert), (Turnhout, 1996), pp. 17-19, 235-256, maps; P. A. Patton, *Pictorial Narrative in the Romanesque Cloister*, (New York, 2004), 20, 26, 68-69. Nicholas Breakspear was abbot of St Ruf by 1148, and remained so until becoming pope in 1154.

⁵³ Wood, 'Melbourne', p.147.

⁵⁴ *VCH North Riding*, II, pp. 393, 399; John Burton, *Monasticon Eboracense and the Ecclesiastical History of Yorkshire* (York, 1758), p. 306. See also W. Dugdale, *Monasticon Anglicanum* (London, 1846) vol. 6, pp. 90, 92, charter II.

⁵⁵ The amount of pre-Conquest memorial sculpture might suggest that Lythe had been an important church at an earlier period. See J. T. Lang, *Northern Yorkshire*, CASSS VI. (Oxford, 2002).

‘a pension’ from Lythe and a duty to attend the chapter in York.⁵⁶ Nostell Priory had a cell at Breedon-on-the-Hill, a place convenient for Melbourne, and the priory is geographically central to the sites that have been mentioned for their Augustinian sculpture. Perhaps, then, Nostell was the base for the designer, or a small number of designers working in the same way.

The churches at Kirk Levington, Easington and Liverton each have a bird on one angle, and a man with foliage or stars on another. The teaching of the Austin canons locally, which these examples preserve for us, advocates perseverance on earth to gain the new life in heaven: the work at Liverton is an extended statement of that basic message which would seem to be inspired largely by two sermons of St. Augustine. Sermon 22 includes all the topics suggested above for the capitals of the chancel arch.⁵⁷ In it, Adam and Eve, ‘the parents who begot us unto death’, are contrasted with Christ and the Church (or, later, ‘father God and mother Church’), who are ‘the parents who have begotten us unto life’. Augustine’s hearers were urged to repent, they were told not to expect mercy when the end comes if they had made no effort to correct their lives. This sequence equates to the content of the carving on the right side of the arch: Christ is represented by the proxy Gabriel, mother Church by the huntsman in the allegory of the boar-hunt, and their offspring, the man reborn, by the ‘green man’ between them. The sermon continues with a positive message for persevering Christians: if they are obedient and faithful to their spiritual parents, they will not die as do the children of Eve but will receive their true inheritance, eternal life.⁵⁸ This sequel is expressed in the content of the left side of the arch. A second text, Sermon 151, fills out two of these points, the perseverance necessary for the Christian, and the reward for it.⁵⁹ This use of this sermon explains the rare depiction of aprons, of the practical garment rather than the usual decorative, even distracting, foliage. Augustine reserves reference to fig-leaves for a discussion in another sermon of the calling of the disciple Nathanael (John 1:48), but in discussing the Fall in Sermon 151 his emphasis is on aprons as a sign of shame and a token of self-denial. The sermon encourages the hearers to resist temptations of all kinds, the ones they were born with and those acquired by habit. Using the metaphorical imagery of numerous Pauline texts, Augustine emphasises that the life of the just on earth is a warfare against temptation, but that one day there will be victory. Then perishable mankind will ‘put on immortality’ and find peace.⁶⁰ This sermon serves to corroborate the nature of the creatures on the left side of the arch. It is relevant to note that the Pauline idea of the resurrection body was different from Augustine’s, and it is the Pauline version which is depicted here. St Paul said that man could not comprehend in what form the afterlife would be lived, but that man’s earthly body would be changed (Philipp. 3:21) and that the resurrection body would be a spiritual one

⁵⁶ Janet Burton, *Monastic Order in Yorkshire 1069-1215*, p. 77n.

⁵⁷ Augustine, sermon 22.9, 10, on Psalm 68. See *The Works of Saint Augustine, Sermons*, III/2, trans. E. Hill, (New York, 1990), pp. 46-50.

⁵⁸ ‘Father God and mother Church’ are mentioned in one version of the story of the Perdix (partridge), which is the bird prominent on the doorway and font in the Augustinian scheme at Kirkburn church. See Wood, ‘Kirkburn Church’, pp. 31-2, 50-1. Augustine also uses the allegory in sermon 216, chs. 7, 8, see *Sermons*, trans. Hill, III/6, p. 171.

⁵⁹ Augustine, sermon 151, on Romans 7:15-25. See *Saint Augustine, Sermons*, III/5, trans. E. Hill, (New York, 1990), pp. 40-47.

⁶⁰ Sermon 151, chs. 2, 7 and 8 mention warfare and victory; ch. 5, the aprons.



Fig. 23 St Mary's, Whitby: man and foliage spirals

(1 Cor. 15:35-58): Augustine expected a body of human appearance but spiritual capacities, one like Christ's resurrection body, a perfect version of an earthly body. Sometimes artists, or designers, chose one form (an invented one, as here) and sometimes the other, the perfected body, as on the tympanum at Autun, for example.

The bird on the angle, interpreted as a crane, has been described above as a motif linked to the ministry of the Augustinians, at least in its use as seen in the north of England: the associated motifs of a man with stars or with foliage are so much more widespread in occurrence that they must have been common to all 'schools of design' (if such a concept may be postulated). The popularity of the motifs is understandable since they represent the resurrection of mankind. Both versions of the idea are used together at St Mary's, Whitby, the church on the headland next to the Abbey. This is a basically twelfth-century building comprising an aisleless nave and a square-ended chancel. The chancel arch capitals have a man with foliage, that is, with the unfurling spirals of angle volutes coming from his mouth and, opposite that, a man's head between two stars (Figs. 23, 24). The carving is basic,



Fig. 24 St Mary's, Whitby: man and stars

shallow and unsophisticated.⁶¹ There is no bird on the angle of any capital at Whitby, and the motif is not to be expected since the church belonged to the Benedictine Abbey from 1096-7. The capitals with the men's heads are the only figurative carving that survives from the early twelfth-century church. The chancel arch and the south doorway to the nave both have voluted capitals and an outer order of octagonal columns, Whitby parish church thus has architectural detail similar to the church at Kirk Levington, some 30 miles away, at the far extreme of the range of buildings that have been brought into the present survey (Figs. 18, 19). In the early post-Conquest period, it would seem that mason-builders were generally expected to carve the small amount of individual ornament that was required. It is reasonable that builders should have remained localised, handling stone whose sources and qualities they knew well and having a fairly steady supply of work. On the other hand, as will be illustrated below, skilled migrant sculptors soon arrived, along with travelling designers, effecting the long-range transfer of motifs.

Distant comparisons

Any search for the origins of sculptors or models is always subject to the loss of key monuments, and chance survival. One random comparison for Liverton work that comes to mind is that of the mask emitting foliage (Fig. 11) with a similar mask on a capital at Stillingfleet,

⁶¹ The mouth of the man in Fig. 23 has been damaged, spoiling what was once a short, inconspicuous incised line, a little of which remains on the left.



Fig. 25 Stillingfleet: capitals of south doorway

nine miles south of York (Fig. 25). Here also one eye and ear are up, the other down, and just as striking is the similar broad, flat face and the wide lip that seems to extend from ear to ear. The Stillingfleet mask is pitted with small random holes, like the serpent in the Fall scene (Fig. 5). Next to the mask at Stillingfleet is a 'green man' with an elongated head, long trails and doubled leaves having separate tight spirals resembling those at Liverton (Fig. 8), and on another capital on the same side of the doorway are two entwined serpents, a motif used on a capital of the doorway at Kirk Levington but in a much simpler form. These similarities are tantalising, for while it might be reasonable to suppose one man worked at both sites, little else at Stillingfleet suggests any connection with Liverton - rather the opposite. There is, for example, a pair of masks on a voussoir which emit a shared pair of leaves, but here the stems are bound together with bands or clasps and seem static - not like those at Liverton, twining, lively, and when this motif appears elsewhere in Yorkshire it is in the form that is used at Stillingfleet. The detail of the leaves at Liverton are similarly distinct from the forms of leaves used at several other Yorkshire churches. For example, at Liverton (Fig. 8), the spiral at the base of the leaf appears separate from the flutings of the leaf, almost as if it were an incipient shoot, and both the upper and lower edges of the leaf have cusped margins more or less in parallel. But at Riccall, (Fig. 26), three miles from Stillingfleet, the tip of the leaf curves back a little and it is the last fluting near the stalk that makes the spiral; the upper margin is cusped but a lower margin runs directly from stalk to tip.⁶²

⁶² If comparable mouldings and other architectural forms are sought, this will tend to trace workshops rather than a designer. Bubwith church in the East Riding shares the hollow mouldings of the Easington arch, and has less prominent domes; Bubwith also has a capital with a woven pattern, probably from the main doorway. Brayton, in the West Riding, again has domes in a hollow moulding on its chancel arch; there are also a pair of lions who turn to look at the altar and long-headed men with foliage trails.



Fig. 26 Riccall: leaves on capital of south doorway

More impressive, because more extensive and more distant, are similarities with sculpture at St. Mary's parish church in Tutbury (Staffs), about 12 miles from Melbourne. It is a building formed out of the nave of the church of a Benedictine Priory. Tutbury, like Liverton, is one of seven sites in England with a boar-hunt, though the example here is in a poor state and about half the scene is already lost.⁶³ Alongside the lintel having the remains of the hunt is a capital with a woven pattern and another with figures in long robes holding rectangular books (Fig. 27). These pieces are all in the rebuilt south doorway to the nave, but on the magnificent and highly decorated west front there are several more echoes of the sculpture at Liverton.⁶⁴ The arch of the second order in the doorway is carved in alabaster, and here in finely-preserved detail are lions (Fig. 28) resembling those in Figures 11 and 12. Many creatures in this order have very narrow straight wings, as at Liverton (Fig. 13). Also in the alabaster are leaf-like tongues with prominent tight spirals (Fig. 28, compare Figs. 8, 11), and beakheads whose beaks are pitted with small holes. In the third order at Tutbury are pairs of masks emitting leaves, and although the stems are longer and make a more complex twist than those on the chancel arch, they are twined among themselves without binding and they end in the doubled leaf (Fig. 29, compare Fig. 16). At the outer edge of this order is a row of animals resembling the bird-lion at Liverton (Fig. 29, compare Fig. 13). Masks used in the third order and alongside the west window are somewhat like those at Liverton in the outer arch (Figs. 16, 29), and not like the single corbel from Guisborough. The foliage pattern used on the imposts at Liverton occurs at Tutbury.

⁶³ L. Musset, *Angleterre Romane*, 2 (Saint-Leger, 1974), pl. 86.

⁶⁴ Musset, *Angleterre Romane*, 2, pl. 85. The facade is renewed in the upper parts.



Fig. 27 Tutbury (Staffs): capitals of rebuilt south doorway

At Tutbury, one of the few standard subjects in the capitals of the west doorway is St. Margaret holding up a cross and coming out of the dragon. This subject is carved on the font from Cottam, East Riding, but not often found in England. Another capital has a slightly distorted beakhead being beaten down by a flying angel who holds a leaf in one hand and a shield in the other. This is a minor St Michael and the Dragon, rather as a beakhead or mask



Fig. 28 Tutbury: second order of west doorway



Fig. 29 Tutbury: third order of west doorway

emitting foliage is a lesser Harrowing of Hell. There are lions on capitals of the third and fourth orders on the right side, these have leafy tails made of the doubled leaf as seen in Figures 6 and 8. Most of the other subjects in the capitals are individual compositions of creatures and foliage like the one with 'St. Michael', or they have figures and creatures now so eroded that their content is uncertain. Nevertheless, the majority of them can be understood as illustrating evil spirits overcome and new life springing from death. At least one capital is cautionary - on the extreme right there is a man held in the claws of two demons. In contrast, just above the foliage pattern on the impost nearby is a musician, perhaps intended as an inhabitant of heaven. A similar musician is on a corbel at Adel.

There are not just physical resemblances in the handling and in the motifs used, but something more, there is a common layout of the teaching at Tutbury and Liverton. The arches of Tutbury's west front are animated with carving, but these are all repeats, it is a chorus of resurrection bodies. As at Liverton, the individual, varied, subjects are concentrated in the capitals.⁶⁵ Outside the regular architectural sculpture of Tutbury's west facade and below the level of the capitals are several slabs, one at least of which shows a large boar facing the doorway, this may be echoed by the carving in Yorkshire which extends onto the wings of capitals. With so many parallels, it may be safe to say that at least the experienced sculptor capable of carving the fluent lions on the capital in the chancel worked at Liverton, and possibly a second sculptor also worked at both sites. The layout of the patterns and individual subjects may have been part of workshop practice, but would

⁶⁵ Contrast the 'Yorkshire School' doorways, with their typically figurative voussoirs, patterned capitals and plain imposts, and having parallels in south-west France.



Fig. 30 San Ambrogio, Milan: bird on a capital in the nave

involve a designer too.

At Liverton, a secular church, the capitals include a narrative about salvation, but at a monastic church like Tutbury Priory this lesson would presumably have been too elementary. The motifs that take their place on the capitals of the west front - the several fights of the angel or lions with beakheads and masks - could represent the monks' spiritual battles, as would be proper for a doorway used by the monastic community. The church was also used by the parishioners, so the south doorway, with the boar hunt, was perhaps the layman's entrance.⁶⁶ Although the Liverton sculpture is far less extensive than the Tutbury west front, it is not a reduction or reproduction of Tutbury: the Liverton programme is the more complex. The question as to which is earlier is probably

not possible to resolve without knowing what was made for Guisborough Priory itself, or perhaps for Lythe: and these are things that we are unlikely ever to know.

Further comparisons, though of a general kind, can be made with eleventh- and twelfth-century work in Italy. The Augustinian movement began in Italy under Gregory VII and Peter Damian, and had its first foundations there, so that it need not surprise us if motifs seen in north Italy seem to have reached Yorkshire.⁶⁷ Transference from Germany, of visual ideas ranging from small details to architectural plans, have been noted in Augustinian schemes at Kirkburn and Melbourne, while the Bridlington tomb-slab was shipped from Flanders, and Ottonian manuscripts were cited above as a source for the posture imposed on the bird at Liverton. Figures 30 and 31 illustrate eleventh- or twelfth-century sculpture from Milan in order to indicate north Italy generally as the area supplying several more of the ideas at Liverton and Tutbury. There is a comparable disposition of sculpture on the architecture. The carving in the atrium or entrance courtyard of San Ambrogio includes a series of capitals with animals and foliage; there are figures as well on other capitals at the

⁶⁶ The monks' living quarters were to the north of the nave. The west facade faces onto a steep hill on which was the patron's castle; in the bailey there was a freestanding chapel, 'a plain building of nave and narrower chancel. The W portal had one order of colonettes', N. Pevsner, *Staffordshire*, (Harmondsworth, 1974), p. 288.

⁶⁷ Dickinson, *Origins*, pp. 40-1.



Fig. 31 San Ambrogio, Milan: quadruped on a capital in the atrium

entrance to the church and in the nave.⁶⁸ Arches at the east end of the atrium have only patterns, with imposts that are heavily patterned; large slabs which are not structural units have been let into the walls and bear sculpture.⁶⁹ But the most striking resemblance to Liverton is with the large bird that appears on the angle of several capitals in the nave at San Ambrogio (Fig. 30, compare Fig. 12). As at Melbourne (Fig. 14, bottom right), none of the birds is holding a stone, even as an attribute, but the interior of the church was commonly conceived as 'heaven'.⁷⁰ A bird-headed quadruped with narrow wings occurs in the atrium (Fig. 31).⁷¹ Less like work in England, but still suggestive, are the sharply-pleated leaves, with their doubling and matched serrations like some of the leaves at Tutbury: the strong spirals however do not occur in Milan. In Pavia, leaves are very like the general type seen in Yorkshire (Fig. 26), but they are arranged with twisted rather than bound stems. The leaf design used on imposts at Liverton and Tutbury is a common one based on classical originals. Altogether, there is a strong connection with Italian forms.

San Ambrogio was the first of five churches founded around Milan in the late fourth-century by Ambrose, the bishop whose preaching so impressed Augustine. It was consecrated in the year of Augustine's conversion, so the site would have been of interest to the canons. The story of the crane keeping watch and holding up a stone was known to the classical world, for example, it is found in Pliny and carved on a memorial stone found near

⁶⁸ H. Decker, *Romanesque Art in Italy* (London, 1958), pl. 1. Some of the sculpture is reused, but it is mostly of 11th- and 12th-century date.

⁶⁹ Compare San Michele, Pavia, illus. in Decker, *Romanesque Art in Italy*, pl. 25. San Michele has the bird on the angle, also a version of the 'green man' which is like that used at Melbourne.

⁷⁰ The immediate interest is in the physical similarity of the two carvings, but the motif seems to have originated in Persian textiles, see E. Kitzinger, 'The Horse and Lion Tapestry at Dumbarton Oaks' in *Studies in Late Antique, Byzantine and Medieval Western Art*, 1, (London, 2002), figs. 90-102, 123; basket-weave or woven patterns accompany some of these examples.

⁷¹ The example has wattles, like a creature on the font from Cottam. Another wattled creature has been noted on the arcade of the 'baptistery' in the cathedral museum at Cividale. The single fish on the impost at Easington, fig. 21, is unusual in England but may be paralleled on doorjambs at the cathedral of Assisi where it is also accompanied by star patterns (the rosettes) and other symbols of heaven.

Hadrian's Wall,⁷² while in the *Hexaameron* of St Ambrose there is a long passage on the crane as a model for communal life.⁷³ The usual watchfulness is recounted, but this is only one instance of the cranes' willing service of one another. They also take turns and change leader when flying as a flock. Theirs was a beautiful way of life, Ambrose says, with work and honour shared, and it was the kind of life mankind had led until ambition and the lust for power destroyed it. As has been pointed out, the Aberdeen bestiary commends similar virtues among the 'fratres', the Augustinians.⁷⁴ No doubt the canons knew the *Hexaameron* and, as a reforming order, would have been keen to emulate a primitive common life recommended by St Ambrose.

It would be fascinating to know exactly how all this came together to build the chancel arch at Liverton, and it is still a puzzle as to what allowed this simple church to enjoy such relatively lavish provision compared to its neighbours. One might speculate that the grant of access to a local source of ironstone was reciprocated by the gift of sculpture.⁷⁵ The pastoral work in which the sculpture no doubt involved the canons seems to have borne fruit in one sense at least, for both Liverton and Easington churches were given to Guisborough priory later in the twelfth century.

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⁷² Pliny, *Historia Naturalis*, X.xxiii; J. Kewley, 'Three Altars from Chesterholm', *Archaeol. Aeliana*, 5th series, 1, p. 125-127.

⁷³ Ambrose, *Hexaameron*, V.xv (Migne, Pat. Lat. xiv, col. 227).

⁷⁴ See notes 26 and 50.

⁷⁵ Iron-working by Guisborough priory in Glaisdale is discussed in B. Wailes, *Monasteries and Landscape in North East Yorkshire: the medieval colonisation of the North York Moors* (Oakham, 1997), pp. 36-7.

THE END OF MEDIEVAL MONASTICISM IN THE NORTH RIDING OF YORKSHIRE

By Claire Cross

The suppression of monasticism in the North Riding of Yorkshire seems to have taken the local inhabitants entirely by surprise. Drawing chiefly upon the evidence from wills, this article investigates the impact of North Riding religious houses upon regional society in the earlier part of the reign of Henry VIII, considers the process of the dissolution and traces the subsequent careers of some of the former monks, friars and nuns.

Described at the time as 'the greatest shire of ... late religious houses within this realm', with well over a thousand men and women in religious orders in the 1530s, Yorkshire contained about a ninth of all the monks, canons, friars and nuns in the whole of England. Within the county the North Riding, with a total of 28 abbeys, priories, nunneries and friaries, compared with 23 for the West Riding and 18 for the East Riding, possessed the greatest number of monastic communities. All the houses in the North Riding, as in the rest of Yorkshire, dated from after the Norman Conquest, most originating in the late eleventh or twelfth centuries with the friars making their appearance a century later. This pattern of monasticism survived virtually unchanged until the reign of Henry VIII.¹

Whitby abbey, founded circa 1078, was the only house in the North Riding belonging to the Benedictine order, the dominant form of monasticism in Western Christendom until about 1100. The first half of the twelfth century saw the creation of three houses of Augustinian canons at Guisborough, Newburgh and Marton. Not strictly monks, these canons regular, although living under a rule, served parish churches appropriated to their priories. The Cistercians, a much more severe order than the Benedictines, reached the area in 1132, settling at Rievaulx, Byland and Jervaulx in quick succession. Between 1150 and 1200 Grandimontine monks, a contemplative order devoted to extreme poverty and severity, established a very small priory at Grosmont, Gilbertine canons, who followed the Augustinian rule, a house at Malton, and Premonstratensian canons, pledged to a stricter observance than the canons regular, three priories at Easby, Coverham and Egglestone. The nine North Riding nunneries, two Benedictine convents at Arden and Marrick, six Cistercian convents at Handale, Keldholme, Wykeham, Rosedale, Basedale and Ellerton, and a single Augustinian convent at Moxby, were all also in existence before 1200. Then two centuries later the Carthusians, an eremitical order which met together solely for part of the divine office, set up their priory at Mount Grace in 1398.²

¹ G. W. O. Woodward, 'The Exemption from Suppression of Certain Yorkshire Priories', *English Historical Review*, LXXVI (1961), 386, quoting The National Archives (hereafter TNA) E 135/125 f. 184; C. Cross and N. Vickers, eds., *Monks, Friars and Nuns in Sixteenth Century Yorkshire*, Yorkshire Archaeological Society, Record Series CL (1995). The spelling of all quotations has been modernised.

² J. E. Burton, *The Monastic Order in Yorkshire 1069-1215* (Cambridge, 1999), pp. xvii-xix.

With their commitment to absolute poverty and active involvement in the world the friars were the religious innovators of the thirteenth century. The Franciscans, the first to penetrate the Riding, established a convent in Scarborough in 1239 and another in Richmond in 1258. The Dominicans settled in Scarborough and Yarm in 1252 and 1266 respectively, while the Carmelites had priories in Scarborough by 1319 and in Northallerton by 1356. The Austin friars never succeeded in colonising the area.³

With the exception of the friars, who depended upon alms giving and technically owned no property at all, some of the monasteries very rapidly became major landowners in the region. On the *Valor Ecclesiasticus* assessments of 1535, Guisborough priory with a clear annual income well over £600 was by some way the wealthiest house in the North Riding, and the fourth richest in the entire county behind only St Mary's abbey, York, Fountains abbey and Selby abbey. Whitby abbey had an annual revenue of almost £450, Newburgh priory of about £367 and Mount Grace priory of around £323. Below this, but still affluent, came the three Cistercian houses of Rievaulx abbey with over £287, Byland abbey with £238 and Jervaulx with £234 per annum. Malton Gilbertine priory had an income hovering around the £200 a year mark. With £151 a year Marton priory was by some way the least well endowed Augustinian house. Of the three Premonstratensian houses, Coverham abbey with £160 and Easby abbey with £111, enjoyed a similar standard of living to Marton, but Egglestone must always have struggled with revenues of no more than £36. Grosmont Grandimontine priory with a derisory £12 a year brought up the rear: such was its poverty that the laity in the early sixteenth century commonly referred to its canons as friars.⁴

Most of the nine North Riding nunneries were also very poor. The least indigent, Marrick, possessed an income of almost £50 and Rosedale of nearly £38, but Keldholme, Moxby, Wykeham and Basedale could count on revenues of between only £20 and £30, while the three most needy priories, Ellerton, Handale and Arden, somehow survived on receipts of between £12 and £15 a year. (For comparison, Swine in the East Riding, the richest nunnery in the county apart from the double house of Watton, had an annual income of over £80.)⁵

Many years ago Dom David Knowles made the point that religious houses tended to attract their monks from their immediate hinterland, and this certainly seems to have been the case for the North Riding. On entering the Cistercian order a novice usually changed his surname from his family name to that of his birth place. Quite exceptionally a Rievaulx document of 1538, which lists both the patronymic and toponymic of almost every member of the community - Thomas Jackson *alias* Richmond, Richard Jenkinson *alias* Ripon, William Stapleton *alias* Bedale, and so on - makes it possible to analyse the geographical origins of the monks with some precision. All without exception seem to have come from the North Riding. Some had previously lived less than five miles from the abbey in Gilling, Ampleforth, Yearsley (a township of Coxwold) and Helmsley. Others had migrated to Rievaulx from Thirsk, Northallerton, Pickering, Farlington and Broughton in Appleton le Street no more than ten to fifteen miles away, yet others a little further from Yarm, Ripon, Bedale, Guisborough

³ *The Victoria History of the County of Yorkshire*, III, ed. W. Page (London, 1913), pp. 270, 273-4, 274-6, 277-9, 279-80, 281-2.

⁴ Burton, *Monastic Order in Yorkshire*, pp. xvii-xix; Borthwick Institute, University of York (hereafter BI) Prob. Reg. 9 ff. 251r-v, 376r.

⁵ Burton, *Monastic Order in Yorkshire*, pp. xvii-xix.

and Stainton. The most distant townships from which Rievaulx had drawn its novices, Scarborough, Whitby, Richmond and Easby, still lay within a twenty-five mile radius of the abbey. Other houses would seem to have attracted their members from similarly quite narrowly defined localities.⁶

The social status of the families which provided these recruits is less easy to determine. From the evidence of wills made in the last two decades before the dissolution most North Riding monks appear to have sprung from yeoman or reasonably prosperous bourgeois rather than from noble stock. In his will of 1527, for example, John Lawton, a townsman of Thirsk, mentioned his son, Robert, then a monk of Byland. The inhabitants of Malton appear to have had particularly strong ties with their local Gilbertine house: Robert Walker of Old Malton, Laurence Richardson, draper, Agnes Kellet, widow, and William Marshall of New Malton all had sons or brothers who had joined the priory.⁷

Some of the nuns, on the other hand, could claim gentle and occasionally noble birth. In 1539 the prioress of Wykeham, Elizabeth Nandyke, herself the daughter of a local gentry family, numbered Elizabeth Percy, a relation of Katherine, countess of Northumberland, among her nuns, while one of her kinswomen, Isabel Nandyke, and her goddaughter, Katherine Gayle, had also entered the convent. Marrick priory had similarly recruited from gentry families with the prioress, Christabel Cowper, aunt to Christopher Thormanby of Thormanby, gentleman, Marjory Conyers, the daughter of Christopher Conyers and sister of Sir Christopher Conyers, knight, of Sockburn in county Durham, Elizabeth Singleton, probably a Singleton of Melsonby, and Elizabeth Robinson the daughter of Thomas Robinson and his wife Elizabeth, tenants of the priory. Two of the nuns at Handale, Anne Benson and Isabel Norman, were both daughters of prosperous local families, and the prioress, Anne Lutton, almost certainly derived from the Yorkshire gentry family of the same name. Sometime before the dissolution Agnes Aislaby, daughter of Richard Aislaby of Whitwell, gentleman, had joined the equally impecunious house of Ellerton on Swale.⁸

Families understandably felt particularly close to the communities which housed their offspring, and did not hesitate on occasions to trade upon these connections. In 1522 William Christalowe of Coxwold appointed his brother Marmaduke, a monk of Byland, one of the supervisors of his will and left him his best horse and a rosary with a tache in addition to making a general bequest of 3*s.* 4*d.* to the abbot and convent. John Leyng of Helmsley requested his son, Dan Richard, a monk of Rievaulx, to execute the same office, while John Craue of Old Malton turned to his brother, Dan William, for a similar favour.⁹

Other North Riding families cultivated patronage links with particular houses. When he gave the prioress and convent 10*s.* to pray for his soul in 1527 Sir Ninian Markenfeld of Ripon described himself as the 'founder' of Arden, established nearly four centuries earlier by a minor landholder, Peter de Hoton. Sir Thomas Strangeways of Osmotherley and James

⁶ D. M. Knowles, *The Religious Orders in England*, III (Cambridge, 1955), p. 70; *Letters and Papers of Henry VIII*, XIV, pt. I, no. 185 (hereafter *L P Hen. VIII*); TNA, E 315/245 f. 32v.

⁷ BI, Prob. Reg. 9 ff. 375v, 389v, 400r, 402v.

⁸ TNA, LR 6/121/2 m. 51; BI, Prob. Reg. 11, pt. I ff. 363v, 364v; Prob. Reg. 11, pt. II ff. 559v-560r, 647r; Prob. Reg. 13, pt. II f. 702v; Prob. Reg. 15, pt. I f. 68r-v; *Testamenta Eboracensia*, vol. VI, ed. J. W. Clay Surtees Society CVI (1902), p. 256; J. H. Tillotson, *Marrick Priory: A Nunnery in Late Medieval Yorkshire*, Borthwick Paper 75 (York, 1989), p. 6 and n. 39.

⁹ BI, Prob. Reg. 9 f. 250v; Prob. Reg. 11, pt. I ff. 16v, 69r.

Strangeways, esquire, chose to be buried in Mount Grace priory in 1522 and 1532 respectively. William Tocottes, gentleman, requested a similar privilege from Guisborough priory in 1526. In 1525 Alice Chawfer, widow, made provision for her burial in Byland abbey, where her husband William Chawfer of Kilburn had been interred four years previously.¹⁰

Other affluent testators paid North Riding monasteries to offer prayers for their souls. In 1521, in addition to arranging for special commemorative services to take place on the anniversary of his death in Whalley, St Mary's, York, Fountains, Sawley and Bolton, Ambrose Pudsey, gentleman, of Bolton in Bowland, gave Mount Grace £5 for five trentals and five obits. John Chapman, public notary of York, in 1528 commissioned a thousand masses to be performed for his soul in the charterhouses of Mount Grace, Hull, Beauvale and Coventry and the priories of Guisborough and Hexham. Three years earlier Ellen Harman of Holy Trinity parish in Hull donated a piece of plate to Guisborough priory to pray in perpetuity for her father and mother, Laurence and Agnes Sowerby.¹¹

Other lay people associated themselves with religious houses in less expensive ways. William Cure, alderman of York, in 1522 left the prioress and convent of Moxby 40s. to enter his name and that of his wife in their mortilege book (a catalogue of the dead for whom the nuns had bound themselves to pray). In 1525 Thomas Marcer of Kirkby Moorside bestowed 6s. 8d. upon the prioress of Keldholme to be assoiled (absolved) and admitted as a brother in the chapter house. In 1526 Alan Story, butcher of Coxwold, gave the abbot and convent of Byland 20s. for the community's prayers and to be made a brother and his wife a sister of the chapter. William Peckett, husbandman of Marton, bequeathed 6s. 8d. 'to be a brother of the chapter of the house of Marton' in 1529. In 1533 Henry Marton of Gargrave conferred 13s. 4d. upon Mount Grace 'to be prayed for, because I am brother of the said house.'¹²

Even more of the laity sought the services of the friars. In 1520 Robert Dickonson, merchant of York and Scarborough, asked that his body might be interred by the altar where the priest sang the gospel on solemn days in the choir of the White Friars' church in Scarborough. Although the vast majority of testators preferred to be buried in their parish church, many wished the friars to take part in their funerals. For a payment of 20d. per priory William Watson, shipwright and burgess of Scarborough, requested the Dominicans, Franciscans and Carmelites 'to go before me to the church and to sing mass and dirige'. Thomas Lawson of Reighton set aside 5s. for the friars of Scarborough to say 'the blessed and holy trental of St Gregory within every one of their houses' immediately after his death. Thomas Wray of Bedale commissioned prayers for his soul from the Franciscans at Richmond, the Carmelites at Northallerton, the Dominicans at Yarm and the Austins at York. In 1536 Edmund Kettlewell of Ormesby contracted for one trental of masses from the Yarm friars for his soul and his wife's and his children's souls, a second trental from the Northallerton friars for the souls of his mother and father, Matthew and Alice Kettlewell, and a third trental from the York

¹⁰ BI, Prob. Reg. 9 ff. 134v, 316v, 343v-344r, 407r-408r, 345r; Prob. Reg. 11, pt. I 203v-204r; J. E. Burton, *The Yorkshire Nunneries in the Twelfth and Thirteenth Centuries*, Borthwick Paper 56 (York, 1979), pp. 19, 42.

¹¹ BI, Prob. Reg. 9 ff. 214v-215r, 354v; Prob. Reg. 10 f. 52v-56r.

¹² BI, Prob. Reg. 9 ff. 264r, 321v, 340r; Prob. Reg. 11, pt. I ff. 40v-41r, 60v.

Austins for the souls of his brothers John, James, William and Richard and his sisters Elizabeth and Margaret.¹³

Business dealings between himself and the abbey seem to have lain behind the bequest of 20s. of Thomas Pears of Bedale in 1534 and his plea 'to my Lord of Coverham and his brethren for to give me plenary absolution of all my misreckonings, if any such have been betwixt them and me, and to do an obit with placebo and dirige after my departure in the health of my soul and all Christian souls'. Exactly as he might have approached a secular lord, in 1530 William Walker of Coxwold besought the abbot of Byland 'to be good lord to my wife and to my children and to bear them in their right, if any would do them wrong'. Simon Vicars, alderman of York, in 1534 left the abbot of Jervaulx his best horse or mare for his mortuary, and the community his scarlet cloak with damask lining or £7 in cash, on condition that his elder son, Simon, should inherit his farm at East Witton and his younger son, Thomas, his farmhold at Hutton Hang.¹⁴

Several testators expected the heads of religious houses to undertake the wardship of their children. In 1520 John Symson of Helmsley entrusted his son Robert and his portion to Rievaulx abbey, and his son Richard and his portion to Byland abbey. John Spendley of Kirby Misperton in 1521 desired the abbot of Rievaulx to accept one of his sons 'and to bring him up out of his part'. In 1520 Richard Dickson of Helmsley gave the prioress of Keldholme his daughter, Joan, and her inheritance of £10, while in 1524 William Bulmer, esquire, of Brotton near Guisborough, wished James, lord prior of Guisborough, to have the custody of the goods belonging to his daughters Eleanor and Anne until they married or their friends provided other succour for them for the term of their lives.¹⁵

In many respects these monasteries in the later middle ages were carrying out functions subsequently performed by banks, acting as executors, receiving deposits on trust, on occasions lending money. In 1526, for instance, in addition to leaving the abbot of Jervaulx a silver piece 'which I had of him', Robert Wardrop of Ripon made provision for the repayment of 20 marks he had borrowed from the house. All the evidence suggests that in both their spiritual and temporal aspects these communities were continuing to play an important part in secular society until the very end, and that the revolutionary political and religious changes of the early 1530s took northern clergy and laity completely by surprise.¹⁶

Having failed to persuade the pope to dissolve his marriage to Katherine of Aragon, Henry VIII forced the convocations of the clergy of the provinces of Canterbury and York to acknowledge his headship over the English church in 1531. In May 1533 the newly appointed archbishop of Canterbury, Thomas Cranmer, pronounced the king's marriage null and void, freeing him at last to wed Anne Boleyn. The Act of Succession passed in the spring of 1534 contained a clause that required all Englishmen to recognise the validity of this second marriage and, by implication, renounce their allegiance to Rome. The Treasons Act of the following autumn made questioning of the royal supremacy punishable by death.¹⁷

¹³ BI, Prob. Reg. 9 f. 94v, 162v, 388v; Prob. Reg. 11, pt. I ff. 208v-209r; Leeds District Archives (hereafter LDA) RD/PR/3 ff. 146v-147v.

¹⁴ LDA, RD/RP/3 ff. 129r-v; BI, Prob. Reg. 9 f. 474v; Prob. Reg. 11, pt. I f. 118r.

¹⁵ BI, Prob. Reg. 9 ff. 145v, 201r, 289v, 299v-300r.

¹⁶ BI, Prob. Reg. 9 f. 356v.

¹⁷ G. W. O. Woodward, *The Dissolution of the Monasteries* (London, 1966), p. 50.

Apart from the London Carthusians, virtually all the regular and secular clergy throughout England swore the new oath of allegiance to the crown, though some clerics in the North Riding could barely conceal their dismay at this turn of events. A monk and a lay brother from Mount Grace fled to Scotland in the summer of 1535 to avoid taking the oath, and the prior and the rest of the community accepted the royal supremacy with the greatest reluctance, and only after a special consultation with Archbishop Lee. Monks in other communities entertained similar reservations over government policy. When Sir Francis Bigod on an official mission to enforce conformity arrived at Jervaulx in July, George Lazenby, a Cistercian with contacts with Mount Grace, interrupted a sermon in the abbey church to assert the primacy of the pope. Given the chance to recant, Lazenby refused to withdraw his treasonable words, and his trial and condemnation quickly followed. He died for his faith at York on 6 August 1535.¹⁸

These instances of resistance strengthened the crown's resolve to bring the monasteries under the direct control of the state. In the autumn of 1534 Parliament had granted the king the first year's revenues on a cleric's appointment to a benefice together with a tenth of the income from the living thereafter. Throughout the spring and summer of 1535 royal commissioners toured the nation compiling surveys of every parish church, religious house and other ecclesiastical corporation to obtain the requisite up-to-date information to enforce the act. The resulting national inventory, known as the *Valor Ecclesiasticus*, revealed among much else the extent of the country in the hands of the religious. The government then resolved to confiscate monasteries with annual revenues of under £200 on the grounds that such houses did not possess the economic means to fulfil their religious obligations. To justify this somewhat specious argument in the late summer of 1535 Cromwell sent out officials to trawl for examples of scandalous behaviour in the smaller houses, and early in 1536 they descended upon the North Riding.¹⁹

Only five years previously Marton, valued at just over £150 a year, had come to the archbishop's attention for serious financial mismanagement. At a visitation the canons had accused their prior, George Davy, of squandering the house's revenues upon his kin, and this had led to Davy's resignation and replacement with Thomas Judson. The problem, however, had clearly not gone away, the commissioners used their knowledge of the previous irregularities to put pressure on the community, and on 9 February 1536, before Parliament had even passed the Act authorising the dissolution of the lesser monasteries, induced the prior and his canons to hand Marton over to the crown.²⁰

Four other North Riding monasteries fell within the remit of the 1536 Act, the three Premonstratensian priories of Coverham, Easby and Egglestone, and the tiny Grandimontine priory of Grosmont. For the time being one house of each order was allowed to continue, so Grosmont survived together with Egglestone, the poorest of the Premonstratensian abbeys. Easby capitulated on 17 June and Coverham on 14 August 1536.²¹

¹⁸ *L P Hen. VIII*, VIII, nos. 963, 1011, 1025, 1038, 1069.

¹⁹ Woodward, *Dissolution*, pp. 59-60; *Eighth Report of the Deputy Keeper of the Public Records* (London, 1847), app. II, p. 30.

²⁰ BI, Mon. Misc. 9; *Yorkshire Monasteries. Suppression Papers*, ed. J. W. Clay, Yorkshire Archaeological Society, Record Series XLVIII (1912), pp. 135-7.

²¹ Clay, *Suppression Papers*, pp. 95-7, 99-102.

The North Riding nunneries presented a major difficulty since none had an income remotely approaching £200 a year. At this stage the government simply dared not mount an indiscriminate attack on female monasticism, so compromised by closing just over half the priories, permitting their members to transfer to another community of the same order. Moxby surrendered on 4 August, Keldholme the following day, Rosedale on 17 August, Ellerton on 18 August and Arden on 25 August 1536.²²

Little more than a month later the Pilgrimage of Grace broke out in Beverley, and very quickly spread across the whole of Yorkshire and beyond. Influenced by the Lincolnshire rebels, the East Riding insurgents at first seem largely to have been campaigning against rumoured increases in taxation, but as soon as Robert Aske assumed control the general welfare of the church received a much greater priority. Aske cared passionately about the preservation of monasticism, and under his leadership the commons restored the dispossessed religious to Easby, Coverham and Ellerton. The former prior of Marton and prioress of Arden began collecting their rents once more, and some members of their houses may also have returned. They had nothing to lose, and everything to gain by cooperating with the rebels.²³

The rising placed the greater monasteries in an equivocal position. If they tried to withstand the Pilgrims, they would most probably retaliate by despoiling their houses; if they joined with them, and the government prevailed, they faced almost certain dissolution. When the rebels marched upon Jervaulx in October 1536, in a desperate attempt to avoid taking sides, the abbot, Adam Sedbergh, fled to Witton Fell, but to no avail. The rebels brought him back to his abbey, and compelled him and two of his monks to accompany the host to Darlington.²⁴

Earlier in the year the commissioners had deposed the prior of Guisborough, James Cockerill, on a charge of maladministration, replacing him with a supporter of Thomas Cromwell. They had similarly coerced the abbot of Rievaulx, Edward Kirkby, into resigning, and with great difficulty persuaded his monks to elect a successor. The former abbot of Fountains, William Thirsk, who had suffered a similar indignity, had chosen to spend his retirement at Jervaulx. All three now took advantage of the times to try to regain their offices.²⁵

Although the Pilgrimage proper ended on the grant of the royal pardon in December 1536, further fighting flared up in the East Riding early in 1537 during which James Cockerill publicly expressed his approval of Sir Francis Bigod's tract condemning the royal supremacy, Adam Sedbergh sent meat and drink to the rebels from Jervaulx, and William Thirsk offered them 20 marks to restore him to Fountains, 'saying he was unjustly put out by the visitors.' Since the pardon only indemnified rebels against offences committed between October and December 1536 on the failure of this second rising the king could exact his revenge. The

²² TNA, SC 6/Hen. VIII/4641 m. 14v, 15r-v; SC 6/Hen. VIII/7476 m. 6r.

²³ S. M. Jack, 'The Last Days of the Smaller Monasteries', *Journal of Ecclesiastical History*, XXI (1970), 122-3; and see M. L. Bush, *The Pilgrimage of Grace: a study in the rebel armies of October 1536* (Manchester, 1996); M. L. Bush and D. Bowness, *The Defeat of the Pilgrimage of Grace: a study of the post-pardon revolts of December 1536 to March 1537 and their effect* (Hull, 1999); and R. W. Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s* (Oxford, 2001).

²⁴ *L P Hen. VIII*, XII, pt. I, nos. 369, 1012.

²⁵ *L P Hen. VIII*, VII, no. 724; X, nos. 131, 271; *Yorkshire Star Chamber Proceedings, I*, ed. W. Brown, Yorkshire Archaeological Society, Record Series XLI (1909), pp. 48-51.

abbot of Jervaulx and the former heads of Rievaulx, Fountains and Guisborough were tried for treason in London and all were found guilty. Kirkby escaped the imposition of the death penalty, but Sedbergh, Thirsk and Cockerill were executed on 25 May 1537. Extending the law of attainder to embrace not merely the abbot but his entire community, the judges made an unprecedented ruling that Jervaulx and all its possessions should revert to the crown.²⁶

At one stage it seemed as if the government might gain a second North Riding monastery under the same procedure when just before Christmas 1537 the prior of Newburgh, Richard Metcalf, appeared before the council in the north charged with having spoken abominable words against the king and the duke of Norfolk the previous August. Cuthbert Tunstall, the president of the council, believed that Metcalf, for all his protestations of innocence, harboured 'a great rooted malice against the king', and had him imprisoned in Pontefract castle. Only Metcalf's fortuitous death in the spring of 1538 before he could be brought to trial allowed Newburgh to continue unscathed.²⁷

During these perilous times most lay people wisely kept their opinions to themselves, though some, like the widowed Margaret Astie of Richmond, who recorded in her will of 26 March 1537 how the dissolution of Easby had frustrated her intention of founding an obit in the abbey church, clearly resented the way in which recent developments had affected the manner in which they might provide for the welfare of their souls. Well aware of popular resentment, the crown moved more cautiously after the Pilgrimage of Grace, and made no further inroads upon the North Riding monasteries for over a year. Then instead of using an act of Parliament as it had done in 1536, the government devised a new strategy of 'voluntary' surrenders, and for the first time undertook to grant allowances not only to the head, as in the past, but to the entire monastic community.²⁸

Byland and Rievaulx, the only two Cistercian abbeys left in the Riding, succumbed to the crown in the late autumn of 1538. Since the compensation available was proportionate to a house's annual income, on surrendering Byland on 30 November, the abbot, John Alanbridge, secured a handsome pension of £50, his twenty-four monks pensions of between £10 and £4 according to seniority. (As a means for comparison in the early sixteenth century £5 was considered to be the minimum wage for a parish priest.)²⁹

Formalities completed at Byland, the officials proceeded to Rievaulx, which Roland Blyton and his community of twenty-three monks yielded to the king on 3 December, the abbot being granted a pension of 100 marks, members of the community pensions of between £6 13s. 4d. and £4. Once the Christmas festivities had ended, on 22 January 1539 they moved on to accept the submission of Newburgh, awarding the prior, William Lenewood, and his seventeen canons a similar range of pensions.³⁰

At the same time as the onslaught on the first of the great Yorkshire abbeys the axe was also falling on the friaries. Richard Ingworth, the suffragan bishop of Dover and a former

²⁶ *L P Hen. VIII*, XII pt. I nos. 1012, 1035, 1087, 1285; A. G. Dickens, *Lollards and Protestants in the Diocese of York* (London, 1959), p. 93; A. E. Emden, *Biographical Register of the University of Oxford, 1501-1540* (Oxford, 1974), p. 335; G. R. Elton, *Star Chamber Stories*, (London, 1958), pp. 147-73; Woodward, *Dissolution*, pp. 98-100.

²⁷ *L P Hen. VIII*, XII, pt. II nos. 1181, 1231; XIII, pt. I nos. 107, 743.

²⁸ LDA, RD/PR/3 f. 194r-v.

²⁹ *L P Hen. VIII*, XIV, pt. I no. 185.

³⁰ *L P Hen. VIII*, XIV, pt. I, nos. 123, 185; TNA, E 315/245 ff. 32v, 50v; E 164/31 ff. 55-6.

Dominican, dissolved the priory of the White friars at Northallerton on 20 December 1538 and the Dominican friary at Yarm the next day, before suppressing the Richmond Franciscans on 19 January 1539, and then, after a three months delay, the Scarborough Franciscans, Carmelites and Dominicans on 9 and 10 May. Ingworth did not always bother to list the members of a house, since as mendicants they did not qualify for pensions, but in these three months he evicted a minimum of seventy friars in the North Riding alone. Almost as poor as the friars, the five Grandimontines surrendered Grosmont priory in August 1539. They received pensions of between £4 and £3 6s. 8d.³¹

By this date it must have become all too clear from which direction the wind was blowing. When he made his will on 2 January 1539, George Norman of Thirkleby took the precaution of providing that his daughter, Isabel, a nun of Handale, should have her due portion of his goods if her house went down. In a similar vein on 18 February Thomas Benson of Leverton bequeathed the residue of his estate to his wife and children including Dame Anne, also at the time a member of the Handale community. These religious had good cause to be grateful when the suppression of the remaining four North Riding nunneries began later in the year. Wykeham capitulated on the 21 August, Handale on 23 August, Basedale on 24 August and Marrick on 15 September. The poverty of the houses allowed the commissioners very little room for manoeuvre: while they awarded the four prioresses reasonably adequate pensions of between £6 13s. 4d. and £5, they could give their communities, which contained a total of 41 nuns, only token annuities of between £2 6s. 8d. and £1.³²

Fearing possible resistance, the government had made the strategic decision to leave the most influential monasteries until the end. In the event the last five houses surrendered without any opposition, Malton on 11 December, Whitby on 14 December, Mount Grace on 18 December, Guisborough on 22 December and Egglestone on 5 January 1540. The prior of Malton obtained an annuity of £40, the abbot of Whitby an annuity of 100 marks (£66 13s. 4d.), the prior of Mount Grace an annuity of £60 and the prior of Guisborough an annuity of 250 marks (£166 13s. 4d.), with those for their communities fluctuating between £8 and £4. Only at Egglestone, where the abbot came away with a relatively modest pension of £13 6s. 8d. and most of the community with a mere 40s., were the canons as meanly rewarded as the majority of the North Riding nuns.³³

After the dissolution, cushioned by their generous and occasionally lavish pensions, most of the former North Riding abbots and priors lived out the remainder of their lives as country gentlemen. Henry Davell, the last abbot of Whitby, died at Hackness, previously part of the abbey's possessions, in 1552. Roland Blyton, the former abbot of Rievaulx, similarly retired to one of the abbey's properties at Welburn until his death in Mary's reign. The former abbot of Byland, John Alanbridge, survived even longer until 1564, when he was residing in some state in William Calverley's house in Calverley.³⁴

³¹ *L P Hen. VIII*, XIV, pt. I nos. 482, 483; XV, p. 555; *Deputy Keeper's Eight Report*, app. II, pp. 33, 38, 50.

³² BI, Prob. Reg. 11, pt. I ff. 363v, 364v; *L P Hen. VIII*, XV, p. 547; TNA, E 315/234 ff. 110r-112v; Clay, *Suppression Papers*, p. 169; 'A Selection of Monastic Rentals and Dissolution Papers' ed. J. S. Purvis, in *Miscellanea III*, Yorkshire Archaeological Society, Record Series LXXX (1931), pp. 77, 79-81.

³³ *L P Hen. VIII*, XIV, pt. II, nos. 683, 721; XV, pp. 552, 553, 555.

³⁴ BI, Chan. AB f. 37r; Prob. Reg. 17, pt. I ff. 310v-311r; *L P Hen. VIII*, XV, p. 557.

Some of the heads of houses less well rewarded went on to accumulate a number of lucrative benefices in the secular church. Within months of surrendering Marton in 1536 the unpensioned Thomas Judson secured the rectories of Sheriff Hutton and Sutton on the Forest, both previously appropriated to his priory, before moving on to become vicar of Whenby and Barnaby Dun in plurality. Until he died early in Elizabeth's reign Thomas Shepperd, the last abbot of Egglestone, supplemented his relatively small pension of £13 6s. 8d. with the living of Thorpe Bassett to which he had been admitted in 1536. Having escaped the gallows in 1537, Edward Kirkby acquired first the vicarage of Newport in Essex, then the rectory of Kirby Misperton which he held in combination with St Nicholas Olave in London, throughout all this time until his death in 1551 continuing to draw the pension of £44 to which he was entitled as the ousted abbot of Rievaulx.³⁵

A government supporter like the Augustinian canon, Robert Pursglove, took advantage of the times to amass even more glittering prizes. Imposed upon Guisborough as a replacement for James Cockerill early in 1536, three years later he received a substantial pension of 250 marks (£166 13s. 4d.) on the suppression of his house. Having been appointed suffragan bishop of Hull while still prior, he subsequently acquired a prebend in York Minster worth £58 a year, the mastership of Jesus College, Rotherham, which brought in a further £13 6s. 8d., the rectory of his home parish of Tideswell in Derbyshire, a second prebend in Southwell Minster and the archdeaconry of Nottingham. The restoration of Protestantism under Elizabeth, however, after the reconciliation of the nation to Rome in Mary's reign, proved a bridge too far, and Pursglove refused the oath of supremacy in 1559. Retiring to Tideswell, 'very wealthy and stiff in papistry', before his death some twenty years later he repaid his debt to society by founding a grammar school at his birthplace and a second grammar school and almshouse at Guisborough.³⁶

The rank and file North Riding religious fared rather less well on their expulsion from the cloister. Since individual canons had customarily served their house's appropriations in person throughout the middle ages, the Gilbertines and Augustinians started with a distinct advantage. Richard Carter, canon of Malton, for example, presented by the priory to its Lincolnshire vicarage of Ancaster by 1535, simply stayed on in his parish after the dissolution, as did his fellow canon, Richard Dobson, who had been admitted to the living of Brompton in 1531 and was still officiating there in 1546. Henry Fletcher, a Guisborough canon, having similarly acquired his priory's living of Lythe in 1537, continued in the cure until 1544. A second canon, Oliver Grayson, who secured the former Guisborough rectory of Easington in 1540, remained there throughout the changes of the reigns of Edward VI, Mary and Elizabeth until his death in 1578. Another member of the community, John Harrison, migrated to the priory's living of East Harlsey, while the sub-prior, John Smythe, appears to have held Stainton, yet another of the priory's appropriations, until his death in 1549. Two former Newburgh canons, Thomas Barker and Richard Lolly, obtained the priory's vicarages of Thirkleby and Thirsk respectively, while three others, George Fish, William Barker and

³⁵ *L P Hen. VIII*, XIII, pt. I p. 574; BI, Abp. Reg. 29 ff. 24v, 25v, 137v-140r; Emden, *Oxford 1501-1540*, p. 335; D. S. Chambers, *Faculty Office Registers, 1534-1549* (Oxford, 1966), p. 52.

³⁶ Emden, *Oxford 1501-40*, pp. 467-8, 735; *The Certificates of the Commissioners appointed to survey the Chantries, Guilds, Hospitals etc. in the County of York. Part II*, ed. W. Page, Surtees Society XCII (1895), p. 381; *Calendar of Patent Rolls, Elizabeth, I*, pp. 289-90, II, p. 83; *Calendar State Papers, Domestic Elizabeth 1601-3 with Addenda*, p. 521.

William Gray, ministered in succession at Kirkby Moorside, yet another of the appropriations which had previously belonged to their house.³⁷

Whitby, a Benedictine foundation with a large number of livings at its disposal, was able to make a similar provision for some of its monks. After the dissolution Henry Barker occupied the former abbey living of Hackness until at least 1559, his fellow monk, John Watson, that of Fylingdales before moving on to the more valuable vicarage of Levisham. More commonly, the generality of dispossessed North Riding monks and canons had to content themselves, at least at first, with positions as stipendiary or chantry priests, but with pensions to boost their wages even in these more menial posts they could have counted on a reasonably comfortable existence.³⁸

A much harsher lot awaited the friars who had not qualified for pensions. Several seem to have attempted to stay in the vicinity of their former priories. The Richmond Franciscan, William Lofthouse, served for a time as chaplain to St John's guild in Richmond, dying in the town in 1560. Until 1548 the former warden of the Scarborough Franciscans, Richard Chapman, possessed a chantry in Scarborough parish church, where John Boroby, the last prior of the Carmelites, was also acting as a curate. With more livings available in the second part of the sixteenth century, some friars, like the former Scarborough Dominican prior, John Newton, vicar of Hutton Buscel in 1554, eventually attained the security of a parson's freehold.³⁹

By the end of the reign of Edward VI certainly six and perhaps as many as eight former North Riding monks had married - William Stapleton from Rievaulx, Thomas Whitby from Guisborough, Thomas Judson from Marton, James Barwick and Richard Lolly from Newburgh, William Harland from Easby, and possibly Thomas Hewett from Whitby and Richard Walker from Guisborough. While this on its own cannot be taken as a positive commitment to Protestantism, it suggests at the very least that they had accommodated themselves to the Reformation changes.⁴⁰

The weight of evidence, however, points to the conservatism of most of these clergy, many of whom looked back with nostalgia to their time in the cloister. At his death little more than a month after the suppression of his house, John Pynder bestowed 12*d.* upon 'every one of my brether late of the monastery of Revalles' on condition that 'every one of them say or cause to be said three masses for the health of my soul.' Thomas Wardroper bequeathed 12*d.* to 'every brother of Newburgh' who attended his funeral in 1546, while his fellow canon, William Johnson, named no fewer than eight of his former colleagues in his will of the following year. In 1549 Robert Smith, formerly of Rievaulx, left 12*d.* 'to every one of my brether being of live', and as late as 1555 another former monk of the same house, Roger Watson, was still requesting the prayers of 'every of my brethren that was in Ryval the day of our suppression.'⁴¹

³⁷ *Valor Ecclesiasticus* (1810-34), eds. J. Caley and J. Hunter, IV, p. 106, V, p. 98; BI, Abp. Reg. 29 f. 28v, Sede Vac. Reg. 5A ff. 649r, 678v.; Cav. Bk I ff. 28r, 61v; HC AB 8 f. 7r; Prob. Reg. 13, pt. I ff. 141r, 517r; Cross and Vickers, *Monks, Friars and Nuns*, 319-20.

³⁸ BI, Chanc. AB 6 f. 37r; Exch. AB I f. 67v; V 1575 Misc.

³⁹ *Wills and Inventories of the Archdeaconry of Richmond*, ed. J. Raine, Surtees Society II (1835), p. 144; *Yorkshire Chantry Surveys, II*, p. 513; BI, Prob. Reg. 13, pt. I f. 119r; Sede Vac. Reg. 5A f. 687v.

⁴⁰ A. G. Dickens, *The Marian Reaction in the diocese of York: Part I. The Clergy*, Borthwick Paper 11 (York, 1957), pp. 24, 25, 27, 28, 30; G. Baskerville, 'Married Clergy and the Pensioned Religious in the Diocese of Norwich 1555', *English Historical Review*, XLVIII (1933), 222.

⁴¹ BI, Prob. Reg. 11, pt. I f. 347v; Prob. Reg. 13, pt. I ff. 138v., 312v; Prob. Reg. 13, pt. II ff. 578v-579r; Prob. Reg. 14 ff. 179v-180v.

Having gravitated to Newcastle on Tyne, where he seems to have earned his living as a stipendiary priest, in 1551 William Bee, 'some time a professed brother of the monastery of Mount Grace', left two pairs of silver spectacles to John Wilson, the 'father of Mount Grace', and 12*d.* 'to every one of my professed brethren of Mount Grace.' The former members of the house who survived into the following reign responded with alacrity to Mary's refoundation of the charterhouse of Sheen. The prior, John Wilson, four other of his monks, Robert Fletcher, Robert Marshall, Robert Shipley and Leonard Hall, and a converse, John Sanderson, all joined Sheen abbey in 1556, Wilson, Fletcher, Marshall and Shipley dying before the end of the reign, Sanderson and Hall accompanying the community into exile on Elizabeth's accession. Roger Thompson, 'late a superstitious monk of Mount Grace', who had lost the vicarage of Ampleforth on his refusal to swear the oath of supremacy in 1559, also subsequently migrated to the continent to become first vicar and afterwards prior of Sheen Anglorum until his death in October 1582.⁴²

Like so many of the monks, North Riding nuns looked back regretfully to their old religious life. Prioress of Wykeham for more than a quarter of a century before the dissolution, Katherine Nandyke did not long outlive the surrender of her house. Having arranged to be buried beside her parents in Kirkby Moorside church, and paid £4 for a priest to pray for a year for their souls, her soul and all her good friends' souls, in her will of 1541 she left the church an honest chalice, a white damask vestment, an alb and a silk hanging, which may well have come from the priory. In addition to making numerous bequests to members of her natural family, and appointing her nephew, Christopher Nandyke, her heir, she gave Mistress Isabel Percy, one of her former nuns, a 'pounced mislin basin and one five shillings of gold', another former nun, Katherine Gale, a counter, an old ark, her worst feather bed, two pairs of linen sheets, a chair, an awmer rosary, two little kettles, and £3 6*s.* 8*d.*, and a further 6*s.* 8*d.* a piece to 'eight of my sisters that was professed in Wykeham Abbey'.⁴³

The circumstances of the last prioress of Ellerton could scarcely have been more different from those of Katherine Nandyke, who had clearly been able to live as a gentlewoman of some consequence. When Joan Harkey died in Richmond in 1554 her entire goods consisted of two brass pots and two pans, a frying pan and a roasting iron, some pewter dishes, an ewer and a few other implements, two little chests and a coffer, a chair, three cushions, an 'evil' feather bed and some bedding, an aumbry, a kirtle, a coat and some linen, valued at a mere £3 12*s.* 4*d.* She, nevertheless, still set aside 12*d.* a head for four of her former nuns, Dame Alice Thompson, Dame Cecily Swale, Dame Agnes Aislaby and Dame Elizabeth Parker, and appointed a fifth, Dame Margaret Dowson, as her executor.⁴⁴

A bequest in 1542 of £6 13*s.* 4*d.*, two cows with calves, two silver spoons and the second bed from her father, Richard Aislaby of Whitwell, gentleman, made it possible for Agnes Aislaby to adapt to life in the secular world more comfortably than her former prioress. Some time before the beginning of Mary's reign she then went on to marry her father's executor, Brian Spofforth, the incumbent of Barton in Ryedale. She was forcibly divorced

⁴² *Wills and Inventories of the Archdeaconry of Richmond*, pp. 134-6; C. B. Rowntree, *Studies in Carthusian History in Later Medieval England*, D.Phil thesis, University of York (1981), pp. 179, 192, 506, 510, 521, 532, 533, 537; J. C. H. Aveling, *Northern Catholics* (London, 1966), p. 24.

⁴³ BI, Prob. Reg. 11, pt. II ff. 559v-560r.

⁴⁴ LDA, RD/AP1/43/19.

from the priest on the restoration of Catholicism, and her former husband seems to have died soon afterwards. The only other North Riding nun definitely known to have married, Margaret Bashfurth of Moxby, claimed to have acted out of economic necessity. Having received nothing on the dissolution of her house she remained single for thirteen years, but then married Roger Newstead, a gressman of Thormanby. Also divorced in the Marian period, she returned to her husband after Elizabeth's accession.⁴⁵

A Marrick nun, Marjory Conyers, gentlewoman, a resident of Pontefract when she made her will in 1547, like Agnes Aislaby had almost certainly been subsidised by her family after her convent had gone down. With a pension of a only 66s. 8d. she could not otherwise have afforded a servant on a wage of 8s. a year and acquired a goblet with a cover, a silver salt, a stone cup with a silver cover and a very considerable amount of bedding. A joint bequest in the will of a former Rievaulx monk suggests that another Marrick nun, Anne Ledeman, may have been living with her former prioress, Christabel Cowper, in 1555. At her death four years later in addition to bedding and other household goods, Anne Ledeman owned four gowns, four kirtles and a cloak, a little silver goblet, five silver spoons, two silver crucifixes and two rosaries, valued at a total of almost £11.⁴⁶

Despite arrears with the payment of pensions in the mid century, Tudor governments had a commendable record of honouring their obligations towards the dispossessed religious, some of whom survived for a very long time after the dissolution. Nine former monks and four former nuns were still alive in 1582. In a tithe case of 1586 Margaret Newstead, née Bashford, Elizabeth Burnett and Joan Hunton, recalled how some fifty years previously they had helped 'to straw and cock the hay' as young nuns at Moxby priory. By the end of the reign they had all died, and with their deaths memories of the religious life ebbed slowly away. Four centuries later only the ruins of the religious houses remain to bear witness to the last years of medieval monasticism in the North Riding of Yorkshire.⁴⁷

⁴⁵ BI, Prob. Reg. 11, pt II f. 647r; A. G. Dickens, *The Marian Reaction in the Diocese of York: Part II, The Laity*, Borthwick Paper 12 (York, 1957), pp. 16-19.

⁴⁶ BI, Prob. Reg. 13, pt. I ff. 335v-336r; Prob. Reg. 14 ff. 179v-180r; LDA, RD/AP1/55/40.

⁴⁷ TNA, LR/122/9.; BI, CP G 2216; N. Pevsner, *Yorkshire, The North Riding* (London, 1966), pp. 94-101, 125-6, 142-6, 155-8, 177-8, 203-5, 232-3, 258-9, 291, 299-307, 388-93.

‘THE POWER AND INFLUENCE OF GAOLERS’: LIFE AND DEATH IN YORK CASTLE GAOL, 1705 – 1745*

By Philip Woodfine

York Castle Gaol, or ‘Debtors’ Prison’, resembles a handsome Queen Anne mansion, but this examination of its early history offers a corrective to optimistic views of the conditions experienced by debtor prisoners in the first half of the eighteenth century. Overcrowding, hunger and disease menaced debtors and felons alike within York gaol. The gaol’s keepers inflicted repeated abuses: excessive fees, overcharging for daily necessities, and even physical maltreatment. A detailed examination of the death of debtor William Petyt, at the hands of gaoler Thomas Griffiths in 1741, reveals the extent of the power of gaolers, and the vulnerability of debtors.

The popular perception of eighteenth-century prison life is one of almost unrelieved squalor and cruelty. Non-specialist accounts draw heavily on Tyburn narratives, the lives of celebrity criminals such as Jack Sheppard and Dick Turpin, and Hogarth’s engravings of the rake and the idle apprentice.¹ Among professional historians, the condemnations of Sidney and Beatrice Webb in the early twentieth century framed a narrative, still influential, in which, before the investigations of John Howard and the reforming ideas of Bentham, prison life was bleak, oppressive and corrupt.² Holdsworth’s view that eighteenth-century prisons were ‘perhaps the most medieval institutions in England’ still broadly prevails.³ Historical enquiry, though lively in recent decades, has centred not on this earlier period but on the prison reform which began in the late eighteenth century. Scholars have been much influenced by Michel Foucault’s argument that the bourgeois state in the throes of industrialisation developed new prisons as one of many forms of surveillance and discipline of the poor.⁴ A weakness of this work is that it focuses unduly on reform proponents such as Bentham, and on novel reformatories such as Millbank, rather than the workings of the great

* This article was awarded the Sheldon Memorial Essay Prize, 2004. Place of publication is London, unless otherwise stated.

¹ It would be invidious to pick out a modern summary. Among older works, an almost perfect encapsulation of this approach was offered by Ted R. Jamison, ‘Prison Reform in the Augustan Age’, *British History Illustrated*, III (1976), pp. 57–65.

² Sidney & Beatrice Webb, *English Local Government*, VI: *English Prisons under Local Government* (London, 1963; 1st. edn, 1922), pp. 1–31.

³ William Holdsworth, *History of English Law*, X (1966), p. 181.

⁴ Michel Foucault, *Surveiller et punir; naissance de la prison* (Paris, 1975), translated by Alan Sheridan as *Discipline and Punish: The Birth of the Prison* (1977); Michael Ignatieff, *A Just Measure of Pain: the Penitentiary in the Industrial Revolution, 1750 – 1850* (New York, 1978); Gertrude Himmelfarb, ‘The Haunted House of Jeremy Bentham’, in *Ideas in History: Essays Presented to Louis Gottschalk by his Former Students*, ed. Richard Herr and Harold T. Parker (Durham, NC, 1965), pp. 199–238; P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991).

majority of older prisons. In a non-centralised administrative system such as that of Britain, it is particularly important to look at a range of localities and prisons, rather than assume that local officials actually carried out national policy or adopted new ideas.

One illuminating essay which did this was Joanna Innes's study of the ancient prison of King's Bench, and the dynamics of its daily life and operation.⁵ She concluded that the running of the prison was a matter of achieving a balance between the Court of King's Bench itself, the prison officers responsible for the security of the gaol, and the prisoners' self-regulating college. The college operated according to rules, traditions, and ideas of justice and order that allowed the prisoners to regulate and even punish one another, but could as easily justify appeals, protest and even revolt.⁶ Further detailed archival studies of prisoner participation in other gaols, and in earlier periods, would be of great value. One leading contribution to this field was the first chapter of Margaret De Lacy's examination of the Lancashire county gaol at Lancaster.⁷ Her conclusions may be described as broadly optimistic, picking out the strong sense of community responsibility for prisoners, expressed in allowances and charity as well as regular contacts with those inside the gaol. She argued that abuses by gaolers were rare, as was the supposedly endemic 'gaol fever', and pointed out that prisoners had a lively sense of their rights, and were willing to petition the Justices of the Peace for redress.⁸ Lancaster cannot simply be accepted as representative, though, and without closely researched studies of other provincial gaols we risk generalising from too narrow a base of evidence. This essay is not the substantial work that is needed, but offers a tentative sketch of prison conditions in the leading county town in the north at this time, the city of York. If prison life was relatively good in the gaol at Lancaster – medieval in origin, though regularly repaired and rebuilt – then we might expect that the purpose-built new prison in York would show the best face of eighteenth-century incarceration.

The dignified facade of the debtors' prison in the castle yard of York, built early in the reign of Queen Anne, was one of the leading sights of the city in the first half of the eighteenth century, and beyond. York gaol was the only sizeable prison in the whole county of Yorkshire, and indeed the largest provincial gaol in the country.⁹ Considered from an architectural point of view, the prison was a handsome addition to the city, the first new public building of any significance in what became an extensive Georgian rebuilding of the city. It was celebrated in 1736, in the first major historical account of the city, as a 'most magnificent structure', and 'A building so noble and compleat as exceeds all others, of its kind, in *Britain*; perhaps in *Europe*.'¹⁰ Built between 1701 and 1705, the gaol was a first step in the urban

⁵ Joanna Innes, 'The King's Bench Prison in the later Eighteenth Century: law, authority and order in a London debtors' prison', in *An Ungovernable People. The English and their Law in the Seventeenth and Eighteenth Centuries*, ed. John Brewer and John Styles (1980), pp. 250–98.

⁶ *Ibid.*, pp. 286–98.

⁷ Margaret De Lacy, *Prison Reform in Lancashire, 1700–1850. A Study in Local Administration* (Manchester, for the Chetham Society, 1986), pp. 15–55.

⁸ *Ibid.*, pp. 52–55.

⁹ *Ibid.*, p. 59.

¹⁰ Francis Drake, *Eboracum: or, the History and Antiquities of the City of York, from its Original to the Present Times* (York, 1736), p. 287.

reshaping of York, in which the miscellaneous vernacular building heritage of the town was restyled by classical forms and in accord with ideals of public sociability. Public spaces were to be made orderly, clean and appropriate to the 'polite and elegant' social mixing for which the city was becoming known.¹¹ They were even, for the sake of greater safety and decorum, to be illuminated at night. From 1724 the corporation provided for the oil lighting of the main streets, and in the following decades the city's constables were responsible for carrying out a detailed schedule of lamp lighting at fixed places and times.¹² By the early 1730s, speculative builders were busily erecting new Georgian streetscapes such as those in the Bootham and Marygate area, to provide convenient modern houses in the fashionable classical style. Public buildings in the new taste were less numerous, but an important civic departure was the New Walk along the Ouse, funded in the early 1730s by the corporation, which also built the magnificent Mansion House, begun in 1725 and completed by 1732.¹³ In the same year, during the 1732 race meeting, the Assembly Rooms, built to Lord Burlington's innovative Palladian design, were opened to great applause from the assembled notables, who were entertained with a concert featuring the leading castrato singer Senesino.¹⁴

Even alongside such new showcase buildings, the baroque Castle Gaol, in its venerable Norman setting, continued to be one of the leading sights of York for visitors. A standard itinerary for those who could spend only a short time in seeing the city seems to have been the Minster, the Assembly Rooms and the prison. One such visitor in 1733 altogether ignored the new Mansion House in his survey of the city's beauties: 'The Assembly House, the Cathedral, and the Gaol are very fair buildings and well calculated to receive great numbers of the indifferent, the good, and the bad.'¹⁵ Admiration of the architecture of the gaol went along with the belief that it furnished model conditions for its inmates. John Wesley noted in his diary in 1759: 'I visited two prisoners in the castle, which is, I suppose, the most commodious prison in Europe.'¹⁶ Tobias Smollett passed through York in 1768 and in a novel three years later he depicted leading character Matthew Bramble as having sampled the town's tourist highlights: '... we stayed only one day to visit the Castle, the Minster and

¹¹ *Ibid.*, p. 241.

¹² Linda Haywood, 'The Role of York's Parish Constables 1713–1835', *York Historian*, XV (1998), 32. The hours of lighting and number of lamps were carefully specified each year: e.g. orders of 18 July 1740 and 16 July 1742, York City Archives [hereafter YCA], Court Book, F 15, fols. 222^r, 283^r.

¹³ A valuable discussion of these developments is Peter Borsay, 'Politeness and Elegance: the Cultural Re-Fashioning of Eighteenth-Century York', in *Eighteenth-Century York: Culture, Space and Society*, ed. Mark Hallett and Jane Rendall (Borthwick Text and Calendar 30, York, 2003), pp. 5–9.

¹⁴ Anne Wentworth, Countess of Strafford, to Selina, Countess of Huntingdon, 25 August 1732, Huntington Library, Los Angeles, Hastings Correspondence, Box 69, HA 13207.

¹⁵ R. Marsham to Francis Naylor, York, 23 September 1733: Historical Manuscripts Commission, *Fourteenth Report*, Appendix, Part IX, Manuscripts of Theodore J. Hare, Esq. (1895), p. 235.

¹⁶ W. Reginald Ward & Richard P. Heitzenrater, ed., *The Works of John Wesley*, vol. 21, *Journals and Diaries 4, 1755–65* (Nashville, 1992), p. 187.

the Assembly-room.' Bramble's comments, like Wesley's, probably reflected a generally held view of the gaol:

the best, in all respects, I ever saw, at home or abroad – It stands in a high situation, extremely well ventilated; and has a spacious area within the walls, for the health and convenience of all the prisoners except those whom it is necessary to secure in close confinement – Even these last have all the comforts that the nature of their situation can admit.¹⁷

Such praise for the gaol at York undoubtedly stemmed in part from a belief that it contrasted favourably with the abuses and cruelties of the London debtors' prisons, exposed in a much-publicised enquiry in 1729-30.¹⁸ A London gaoler's harsh behaviour had led to a parliamentary enquiry, under pressure from the philanthropist James Oglethorpe, whose friend Robert Castell had died of smallpox in the Fleet prison. Though Oglethorpe assembled a group of activists highly concerned over abuses, their main achievement was to generate publicity for the evils of the prison system rather than to produce reform. Their interim reports to Parliament told stories of prisoners beaten, tortured with tight iron shackles or thrust into a strong room, their health both physical and mental impaired by bullying and cruelty.¹⁹ These investigations, though, produced no changes in the prison regime as a whole. The committee looked only at the three main London prisons, concentrating on the corruption of the fee system and the misdeeds of individual gaolers. It made no positive suggestions for prison reform in its first two parliamentary sessions, and was not reconvened for a third.²⁰ The Walpole ministry was unwilling to arouse City opposition by relaxing the laws on bankruptcy and taking away the supposed deterrent effect of imprisonment for debt. More immediately, it was unsettled by the popularity of the Gaols Committee among the opposition and even the independents in the House, and it was politically expedient to put a stop to a committee that threatened to become a popular centre of reform and criticism.²¹ What Samuel Wesley greeted as the 'glorious proceedings of the committee' looked to the ministry like a dangerously prolonged series of political embarrassments.²²

For the citizens of York, and for visiting travellers, the main lasting effect of the publicity surrounding the Gaols Committee, and its revelations of irons and torture, may have been a

17 Tobias Smollett, *The Expedition of Humphrey Clinker*, 3 vols., 2nd. edn, (1771), II, 137.

18 Reports of the Inquiry into the State of the Prisons, 20 March 1728/9, 14 May 1729 and 24 March 1729/30, *Commons Journals* [hereafter *CJ*], XXI, pp. 274–83, 376–80, 513. For the frequent enquiries into London's gaols, see Roger Lee Brown, *A History of the Fleet Prison, London. The Anatomy of the Fleet* (Lewiston, 1996), *passim*.

19 E.g. *CJ*, XXI, 278–9.

20 A recent critical evaluation is Alex Pitofsky, 'The Warden's Court Martial: James Oglethorpe and the Politics of Eighteenth-Century Prison Reform', *Eighteenth-Century Life* XXIV (2000), pp. 88–102.

21 A thorough analysis of the political context of the enquiry is Andrew A. Hanham, 'Whig Opposition to Sir Robert Walpole in the House of Commons, 1727–1734', (PhD thesis, University of Leicester, 1992), pp. 226–53.

22 [Samuel Wesley], *The Prisons Open'd. A Poem Occasion'd by the Late Glorious Proceedings of the Committee Appointed to Enquire into the State of the Gaols of the Kingdom* (1729).

complacent sense that the county's own gaol was very different to the squalid prisons of London. In truth, however, the dignified baroque facade of the gaol gave a false air of grandeur and rationality: the prisoners within the gaol certainly did not enjoy the country house conditions suggested by its exterior and floor plan.²³ Built as the County Gaol, it was intended originally to house those accused of serious crimes until the next bi-annual Assizes were held, and to hold convicted felons until they were either hanged or transported to the American colonies. Lesser criminals escaped the Castle, and might instead be whipped or pilloried, perhaps spending two or three months in the house of correction.²⁴ The County Gaol soon became commonly known as the Debtors' Prison, since those imprisoned on suit of debt actually made up the majority of the prison's population. Felons and transports continued to be kept in the cells at York, but the more numerous and the longest-staying inmates were those who were unfortunate enough to owe money. Prisoners for debt, unlike criminals, might spend years in a gaol where they still had to keep themselves in everyday necessities, had to pay substantial fees and charges, and yet had few or no opportunities to earn any money.²⁵ This article is mainly concerned with the plight of these longer-term prisoners. The felons come into the story too, though, since they were housed in the same building in worse and more crowded rooms than the debtors. Their proximity was part of the stigma that debtors suffered, and the number and conditions of the felons could influence the debtors' comfort, health and even lives. Crucially for the wellbeing of debtors, they were as much subject as were felons to a gaoler who was not only powerful but also in effect the manager of a franchise which had to return a profit.

Less than three years after the completion of this commodious and handsome prison building, inmates were already complaining of cruelty, torture and extortion by the gaoler, and such complaints recurred frequently in the course of the eighteenth century.²⁶ In November 1707, for instance, one debtor, Thomas Simpson, swore an information against Edward Hinchliffe, the under-gaoler, alleging that he had shackled Simpson with heavy, unjointed irons in which he 'could not stand or so much as turn himself without help'. Hinchliffe had threatened to leave his prisoner to 'lye and rott upon the stone floor he then laid on' unless he signed a bond confessing a judgment against him for thirty pounds.²⁷ Two years later, gaoler E. Chippindale (*sic*) was the subject of an impassioned petition signed by ten prisoners. The terms of this complaint give a good idea of the outlook and expectations

23 The best discussion of the design and building of the prison is Stephanie Adele Leeman, 'Stone Walls do not a Prison Make: the Debtors' Prison, York', *York Historian* XI (1994), pp. 23–39. For a detailed survey of the prison and its surroundings, Royal Commission on Historical Monuments, *An Inventory of the Historical Monuments in the City of York*, II, *The Defences* (1972), pp. 65–6, 78–82.

24 The York Sheriff's Court Book is full of instances: e.g. YCA, F15, Court Book 1728–44, fol. 270^v.

25 De Lacy, *Prison Reform in Lancashire*, pp. 50–1; T. P. Cooper, *The History of the Castle of York, from its Foundation to the Present Day, with an Account of the Building of Clifford's Tower* (1911), pp. 220–4.

26 Petitions of January 1708 and July 1709, West Yorkshire Archive Service [hereafter WYAS], Wakefield, West Riding Quarter Sessions, QS1/47/1, QS1/48/6.

27 Petition of William Wickham, with information on oath from Thomas Sympson, 12 November 1707, WYAS, Wakefield, QS 1/47/1.

of the debtors who signed it. They were in essence complaining of the monopoly commercial power of the gaoler over them, and of being cut off from the town and from traditional prison privileges.²⁸ Their first objection was that he would not allow them 'to have their Beer and ale with other necessarys forth of the City but enforces them to have the same out of the Gaol at double rates'. Chippendale also took an unfair cut from the money raised by those prisoners, certified by their parish as paupers, who were permitted to beg through the town. The petition alleged that Chippendale deducted from the cash given to each of these recipients a shilling a week for himself and sixpence for the key turner, Ward. A further complaint against Ward was that he daily showed gentry and others the castle, gaining in tips more than sixty pounds a year that could and should have been distributed to the poor prisoners.

The brutalities that were also complained of in this petition may in fact have been largely imaginary, as was alleged in a subsequent petition signed by a majority of the inmates. Supported by the preacher to the prisoners, Charles Mace, they praised the charity and honesty of the gaoler, and stigmatised the original petition as vexatious, and got up by a 'few ill natured & unquiet People'.²⁹ Behind the 'vexatious' petition, though, lay a sense of invidious and unfair treatment, and a clear resentment of the commercial monopoly power of the gaoler. The more usual petition complained of want and distress, as did that of 1722 from the condemned felons waiting to be transported. Delays in arranging their transportation meant that seventy-six prisoners were crowded in the felons' quarters of the gaol (roughly four to a cell), 'and more comes in daily'. Forsaken by their friends, they appealed to have the usual county allowance, on which they relied for purchasing a basic food ration, restored to them without the illegal eight shillings a week deduction currently being made by the gaoler, Mr. Thompson.³⁰ Debtors were not unconcerned in this, since anything that worsened the health of overcrowded felons might set off an episode of gaol fever (typhus), of which all prisoners lived in fear. In January 1724/5 the debtors and felons combined, unusually, to petition for immediate relief. With 87 prisoners in the gaol 'on shares', dependent on the county allowance of money and bread, 'a great many of us [are] ready to starve for want of subsistence ... so that without some speedy reliefe we must inevitably perish for want'.³¹ Another petition was presented in April by these same prisoners, 'in Danger of being starved for want of Bread. For want of which and other necessarys there is now at this time a most violent distemper wch rages in the Goal'.³² As always when such petitions were received, the Justices in Quarter Sessions appointed two of their number to investigate, and in this case an extra bread allowance was given to the prisoners.

Three years later, the number of inmates had risen to over 140 and gaol fever was rife, with many deaths, and the diseased 'in that miserable stinking condition have been in danger of

²⁸ Petition of 'several the poor prisoners for debt in the castle of York' 14 July 1709, WYAS, Wakefield, QS 1/48/6.

²⁹ Counter petition of 52 prisoners, 3 August 1709, WYAS, Wakefield, QS 1/48/7.

³⁰ Petition from 'the poor Distressed and Deplorable Criminals now confined in the Castle of York', September 1722, WYAS, Wakefield, QS 1/61/9.

³¹ Humble petition of 'the debtors and felons upon shares in York Castle', January 1724/5, WYAS, Wakefield, QS 1/64/2.

³² Petition of 'the poor prisoners in York Castle being eighty in number', WYAS, Wakefield, QS 1/64/4.

infecting the whole Goal'.³³ It was in response to this specific crisis and petition that the Justices of the three Ridings agreed to appoint and pay an apothecary to attend upon the prisoners, to prevent the spread of disease. Overcrowding was a serious danger, not only because it put a strain on food resources and made inmates vulnerable to gaol fever, but also because it threatened life directly. Oglethorpe's Gaols Committee had painted a vivid picture of rooms in the Marshalsea prison so crowded that in summer the stench was intolerable and prisoners sometimes died of suffocation.³⁴ That very thing happened, with less publicity, in the supposedly commodious accommodation of York gaol in late October 1737, when nine felons in one cell died of suffocation in the night.³⁵ The repeated appeals and petitions in the records of the county Quarter Sessions seem to tell us that infectious disease and the monopoly pricing and arbitrary power of gaolers were the worst evils of prison life. They also reveal that there might be two sides to the complaints of prisoners. Rarely, though, do they allow us to reconstruct in any detail the events that lay behind the complaints of prisoners. The rest of this article will be given over to the examination of one particular incident that does allow an unusually detailed view of conditions for debtors in York castle gaol. It involved the death of a debtor at the hands of the prison officers, and has left traces in the records of the courts and even of central government.

On 7 August 1741, the door to a disused dungeon called the 'women's condemned hole' was opened, and a bruised and beaten man, William Petyt, was thrust down into it and left for eleven days, his only bedding a thin layer of straw laid on damp stones. This abuse led within three weeks to his death, a fact which was at first hushed up by the gaoler, Thomas Griffiths.³⁶ On the day that Petyt died, Griffiths waited some hours and then called in his particular friend Ward, 'an Attorney of no very good Character', to act as coroner.³⁷ Ward in turn waited some time, and came at seven in the evening, when all the prisoners were locked away for the night. Then Ward allowed Griffiths himself to nominate a jury 'which consisted only of such poor prisoners as he had an influence over'.³⁸ Only one juror actually viewed the body, and a verdict of natural death was soon brought in.³⁹ Deaths of this kind were not unknown. Among the abuses that the Gaols Committee had detected was a case that closely resembled that of Petyt, in which a mentally ill prisoner, an upholsterer named Edward Arne, was confined for six weeks in unhealthy conditions and so died. He was carried into a stable 'and was there confined (being a Place of cold Restraint) till he died; and ... he was in a good

³³ Petition of 'Wm Greene, Michael Waterhouse, Richard Clark and John Hall in behalf of themselves & the rest of the poor prisoners in his Majties Goal the Castle of York', April 1728, WYAS, Wakefield, QS 1/67/4. The East Riding Justices were also petitioned: East Riding of Yorkshire Archives and Records Service, Beverley, QSF/80/E/1.

³⁴ *CJ*, XXI, 377–8.

³⁵ York Gaol deaths and births entries, Yorkshire Archaeological Society, MS 489. The unfortunate nine were 'Buried behind ye Castle'.

³⁶ Petyt was buried in St. Margaret's churchyard on 28 August 1741; *ibid*.

³⁷ Richard Witton to the Duke of Newcastle, 2 November 1741, British Library, Additional MSS [hereafter BL, Add. MSS], 32698, fol. 251^v.

³⁸ *Ibid*.

³⁹ *Ibid*., fol. 252^r.

state of Health before he was confined to that Room'.⁴⁰ As a result of the enquiry, the Warden of the Fleet prison, John Huggins, was charged with Arne's murder but, despite the national attention given to the trial and the height of feeling in London, he was acquitted.⁴¹ It was unlikely that the York gaoler would be successfully convicted of a similar offence. However, other debtors housed in the gaol, already angry and resentful about their treatment and conditions, were not prepared to let the matter lie. They gave their own evidence about what had happened, and pressed first a county Member of Parliament and then a local magistrate to investigate Petyt's death and punish the gaoler.

York's gaol was not controlled, like its larger London counterparts, by a court such as King's Bench, which laid down rules for the conduct of prisons and intervened in disputes. If prisoners at York wished to complain against their treatment at the hands of the gaoler, they had a less clearly defined appeal to the county of Yorkshire, which was responsible, through the High Sheriff, for the prison. In the Petyt case, the prisoners first called on one of the county's two Members of Parliament, Sir Miles Stapylton. When he failed to act, they appealed to the unpaid gentry who acted as Justices of the Peace for the West Riding, from which Petyt came. The Justices, assembled in their Quarter Sessions, had jurisdiction over the treatment of a prisoner who had originally been committed by them to York gaol, and were duty bound to enquire into the circumstances of Petyt's death. Two of these gentry Justices, Richard Witton and Richard Dawson, seem to have pursued their investigations in a zealous and concerned way. They were energetic and prompt in travelling, hearing and recording testimony, and writing (at some cost) to the responsible minister, Secretary of State the Duke of Newcastle. As the leading Justice concerned, Richard Witton of Lupset, Wakefield, found out, an unpaid magistrate who wanted to send information to London as quickly as possible, by a relay of post boys, had to pay for the costly 'expresses' out of his own pocket.⁴² Witton suggested that the King should take on the cost of prosecuting Griffiths, since all the informants were 'poor prisoners for small Debts all of them together not able to raise 40s. towards the Charge of a Prosecution', but he was met with a firm refusal.⁴³ The Attorney General, Sir Dudley Ryder, gave his opinion to the Secretary of State that unless the case was manifestly one of murder, it should remain a matter of private prosecution. If the debtors failed to find the money, nonetheless it could be raised by someone in York. It could not, said Ryder, 'be presumed in so great a City there can be wanting a Friend to supply any such Expences as those'.⁴⁴

The high costs so often involved in securing justice had been the subject of protest in Yorkshire in the recent past, and had led to a popular clamour against abuses in the legal profession. Just ten years earlier, York had been the centre of an agitation, led by Sir George Savile, to remove a particular obstacle to cheap and accessible justice, the use of Latin in the

⁴⁰ *CJ*, XXI, 275.

⁴¹ Brown, *Fleet Prison*, pp. 70–3.

⁴² Witton to Newcastle, 23 November 1741, BL, Add. MSS, 32698, fol. 364^r.

⁴³ Witton to Newcastle, 2 November 1741, *ibid.*, fol. 253^v.

⁴⁴ Dudley Ryder to Newcastle, 3 November 1741, Public Record Office, State Papers Domestic, SP 36/57, fol. 60^r.

courts.⁴⁵ Memories of this campaign must have contributed to make the Duke of Newcastle reluctant, despite Witton's urging, to stir up the already sensitive issue of prison conditions, especially at a time of political crisis, which this was. The autumn of 1741, when the investigation into Petyt's death was launched, was a dangerous time for the long-established Whig ministry of Sir Robert Walpole which was now fighting for survival. Embroiled in a war with Spain that was going badly, the ministry faced unprecedented attacks from a combined opposition of Tories and dissident Whigs, who sensed that the fall of Walpole, so long campaigned for, might now finally be near.⁴⁶ The elections held in May that year had resulted in an unsustainably narrow majority for Walpole, who was finally to be compelled to resign in February 1742.⁴⁷ With every single seat now important to the embattled ministry, a by-election in Yorkshire was under way when Witton began his agitation for justice against the keeper of the county's gaol in York castle. The votes would be cast in the castle yard, in front of the prison itself, where the hustings always stood.

The recent electoral contests of May had been fierce in Yorkshire, not least in York, which was controlled by a strongly partisan Tory council. With the elections barely over, a by-election contest between the newly elected York Tory Member, George Fox and the Whig, Cholmley Turner, set party and personal rivalries in motion once more just as the enquiry into Petyt's death began.⁴⁸ Tories and opposition Whigs joined in a non-party 'Patriot' alliance, attacking the ministry with great virulence. Even more disturbing to the Court Whigs was that parts of Yorkshire showed Jacobite sentiments of alienation from the entire Hanoverian regime.⁴⁹ One York man, Joseph Harrison, may have been an isolated case, and was certainly a drunken one, when he shouted in the street: 'God damn King George, Damn the Parliament ... Damn King George he has no right to the Crown'.⁵⁰ There were certainly grounds for the ministry's perception of York, and indeed Yorkshire, as a disaffected place in which issues such as prison conditions could not safely be agitated. Lord Irwin urged the

⁴⁵ Despite the opposition of the entire legal profession, it was Savile, as an MP for the county of Yorkshire, who carried through Parliament a radical Act ordering that all proceedings of justice had to be in English, which from 1733 they were. Hanham, 'Whig Opposition', pp. 257–75.

⁴⁶ Philip Woodfine, *Britannia's Glories. The Walpole Ministry and the 1739 War with Spain* (Woodbridge, 1998), pp. 210–39.

⁴⁷ Jeremy Black, *Walpole in Power* (Stroud, 2001), pp. 167–73.

⁴⁸ And not only among the elite. One unfortunate government supporter drank the health of Cholmley Turner in a Bradford inn on Christmas Eve 1741, and was badly beaten up for his pains. Deposition of Robert Thorburn, 30 January 1741/2, TNA (PRO), Records of King's Bench, KB 1/7, affidavit bundles, Hilary 15 Geo II, unfoliated.

⁴⁹ A stimulating discussion of the Tory mindset is Gabriel Glickman, 'The Career of Sir John Hynde Cotton, 1688–1752', *Historical Journal* XLVI, 4 (December 2003), pp. 817–42. A wider context can be found in Christine Gerrard, *The Patriot Opposition to Walpole. Politics, Poetry, and National Myth, 1725–1742* (Oxford, 1994) and Paul Kleber Monod, *Jacobitism and the English People, 1688–1788* (Cambridge, 1989).

⁵⁰ Informations of Joseph Hewitt, Robert Watson and John Matthews, sworn before Richard Lawson, Mayor, TNA (PRO), Assize Records N & NE Circuits, ASSI 45 22/2, Criminal Depositions and Case Papers, 1742, fol. 65.; TNA (PRO), ASSI 44/57, Indictment Files, 1742, unfoliated: found 'a true bill'.

Duke of Newcastle to encourage government supporters in the North Riding, 'a Part of ye County, where most of ye Gentlemen, I believe I may say all, are professed Jacobites...'.⁵¹ The embattled ministers, casting about for every vote that they could bring to the by-election contest, were not likely to want to revive in York the spirit of the Gaols Committee.⁵²

When the Petyt case first came to the notice of the gentry of the county, therefore, it was at a time of heightened political tension. Given ministerial fears of the potential for opposition in such issues, it is all the more creditable that the Justices who took up Petyt's politically inopportune cause were active pro-government Whigs. The leading proponent of the case against gaoler Griffiths was Richard Witton, then active in the by-election campaign.⁵³ Though Witton had married into the Tory family of Sir William Milner of Nun Appleton, his own sentiments were staunchly in favour of Walpole and King George, as can be seen in an important surviving speech.⁵⁴ On the 8 October 1741 Witton was elected chairman of the West Riding Quarter Sessions, and just a week later he used his public platform at the Barnsley sitting of Quarter Sessions to denounce 'the mad and unruly Passions of the People of this Nation ... overheated by factious and wicked Leaders, (pretending always the publick Good but in Reality intending only their own private View and Interests)'.⁵⁵ Witton's interest in the case of Petyt, and the condition of York gaol, stemmed not from partisan politics but from his position as a senior magistrate. West Riding Justices of the Peace retained a responsibility for their own convicts confined in the castle at York, and Petyt was a West Riding weaver. As chairman of the Sessions, and a man proud of his early training and practice at the Bar, Richard Witton was driven to pursue the interests of justice, even if at personal and perhaps political cost.⁵⁶

Evidence of dissatisfaction among the prisoners about their treatment in York castle had already reached Witton by late September, about a month after the death of Petyt. George Keith, a prisoner, swore an information before Witton, complaining of the behaviour of the apothecary appointed to attend the sick prisoners in York gaol from the West and North Ridings. Keith alleged that Mr. Dodsworth 'is Guilty of a great Neglect in his Duty and has refused to come to such prisoners when he has been sent for whereby many prisoners have suffered greatly'. The East Riding appointee, Mr. Boreham, was no better and 'hath Neglected to Visit his Patients for Five Days together'.⁵⁷ Soon afterwards, Witton was approached with

⁵¹ Henry Ingram, Viscount Irwin, to Newcastle, Temple Newsam, 16 November 1741, BL, Add. MSS, 32698, fol. 325^r.

⁵² E.g. J. Clay to Peter Forbes, Nottingham, 28 October 1741, *ibid.*, fol. 225^r.

⁵³ List of attenders at a nomination meeting at the George Inn, 29 August 1741, BL, Add. MSS, 32697, fol. 522^r.

⁵⁴ *A Charge to the Grand-Jury at the Quarter-Sessions Held at Barnsley in Yorkshire, the Fifteenth Day of October, 1741*, by Richard Witton, of Lupset, Esq. (York, 1741), reprinted in Georges Lamoine, ed., *Charges to the Grand Jury 1689-1803*, Royal Historical Society, Camden Fourth Series, XLIII (1992), pp. 319-24.

⁵⁵ WYAS, Wakefield, QS Rolls box 139, 2: Lamoine, ed, *Charges to the Grand-Jury*, p. 319.

⁵⁶ Lamoine, ed, *Charges to the Grand-Jury*, pp. 321-2.

⁵⁷ Information of George Keith sworn before Witton, 24 September 1741, WYAS, Wakefield, QS Rolls box 139, 1.

the first notice of the Petyt case by Richard Dawson, an active magistrate at York and fellow government Whig. Dawson sent him copies of informations given by several of Petyt's fellow prisoners. They had drawn up and signed a narrative of Petyt's punishment and death, and sent it to the Tory MP for the county, Sir Miles Stapylton, who was then at York, 'to desire he woud. make due Inquiry into the Same'.⁵⁸ Stapylton visited the prison with John Mayer, an attorney and York alderman who soon afterwards became Lord Mayor, and took depositions from several prisoners. Then Sir Miles let the informations lie for some time and subsequently lost them. The informants, doubting whether Stapylton would 'meddle any further', sent their narrative to Dawson who laid it before Witton, wanting another Justice to act with him. Witton called the gaoler to the Leeds Quarter Sessions to answer the charges against him, and Griffiths duly came, with a clutch of sworn testimonies in his own defence. The assembled magistrates – 'no less than 16 Justices, many of them of the first Quality' – decided that a further investigation was called for.⁵⁹

That investigation will be followed in some detail for the light that it throws on conditions for prisoners and on the cumbersome procedures for punishing abuses. Witton and Dawson went to York castle on 26 October 1741 and personally took the sworn testimonies of a number of prisoners, piecing together an account of how Petyt had met his death. The immediate cause of the incident came when Petyt's mother Ann, also a prisoner for debt in the same gaol but in a different day room to her son, was objected to by a fellow inmate, Batty and his wife, who 'say'd she was so Lousy & Filthy that she was a Nuisance to their Room'.⁶⁰ Hearing of this, Petyt quarrelled with Batty, upon which George Scott, the turnkey, and Richard Cooper, the drawer, were called. Then:

by Order of Griffith the Gaoler [they] Haul'd him towards the Dungeon, This was on the 7th of August last, at wch time Petyt was so Strong and healthful, & made so Great a Resistance agt. being carryed to that Wretched Hole that he had like to have Overpowered those two persons, which the Gaoler himself seeing, he came in to their Assistance, with whose Help, & by giving him several Blows, & Bruises, they at last Forc'd him into the Dungeon. A Place Under-Ground which Mr. Dawson & I viewed so Moist, & Unhealthfull, that we both of us Wondred how any One could live in it so long as Petyt did which was Eleven days.⁶¹

The dungeon was not literally underground, but on the ground floor podium level. The magistrates' impression arose from the fact that these cells, normally for felons, were largely windowless and accessible only from the first floor.⁶² However, the cell was clearly cold and wet enough to daunt, not only two gentlemen used to comfortable living, but also hardened prisoners. One such, John Kaye, testified that he 'had been several Years in Goal and that he was a stronger Man than Petyt and that Petyt was Eleven Days in the Condemned Hole where he this Informant could not have lived Four Days'.⁶³ The gaoler himself admitted that the

⁵⁸ Witton to Newcastle, 2 November 1741, BL, Add. MSS, 32698, fol. 252^r.

⁵⁹ WYAS, Wakefield, QS Rolls box 139, 4; Richard Witton to Duke of Newcastle, 3 November 1741, BL, Add. MSS, 32698, fol. 252^v.

⁶⁰ Witton to Newcastle, 2 November 1741, *ibid.*, fol. 250^r.

⁶¹ *Ibid.*, fol. 250^v.

⁶² See Leeman, 'Stone Walls do not a Prison Make', pp. 27–8.

⁶³ Information of John Kaye, prisoner, before Witton and Dawson, 26 October 1741, TNA (PRO), ASSI 45 22/2, fol. 56^r.

women's condemned hole had not been used for many years, 'Except a man furiously Mad, & that only for a few Hours'.⁶⁴

Several prisoners testified to the violence exercised against Petyt by his keepers. Robert MacCloud remonstrated with the attackers as they hauled Petyt from the Felons' Grate and along the passage to the cell. He was promptly threatened by Griffiths with being put in the same dungeon, and only excused 'by a Fellow Prisoner beging Pardon for him'.⁶⁵ Kaye later 'found the said Petyt in the Dungeon Mourning [sic] and often after he heard him Complaining of Coldness and Bruises given him by their ill Usage and laid his Death to their Charge and ... there was a Deal of Blood came from him the said Petyt as appeared amongst the Straw the said Petyt laid on'.⁶⁶ The lack of medical care, of which Witton had already heard a month before, became apparent in this case: 'tho' the several Ridings allow a Competent Sallary to a Surgeon & an Apothecary for attending all poor Prisoners when sick or ill yet such Surgeons were not allowed to attend this poor Man or Minister any relief to him'.⁶⁷ When let out, very weak and ill, Petyt attempted to work but did not recover and died nine days later, on 27 August, his corpse black from head to knees and marked with bruises. His mother, Ann, testified:

That when her Son was Dead she View'd the body & Laid him in his Coffin, that his Neck & throat were black & sweld, & his Members were black, & the blackness continued down his Thighs. That he Twisted two pounds & half of Yarn after he was Discharged from the Dungeon but was so ill he was forced to get a Man to Wind & Reel it, he was so bad he coud not do it himself.⁶⁸

This evidence gives a glimpse not only of Petyt's bodily sufferings but of the small commercial interchanges of the debtors, and their attempts by every means to continue their trade or otherwise earn money. William Fountain, one of the prisoners chosen by Griffiths to testify for him, had asked Petyt to twist some yarn for him, to make a fishing knot. Petyt told him:

he was so ill that he was afraid that he could not do it for him but he would try to do it, and about two or three hours after he came to this Informant and told him that he had been trying to twist the yarn for him but could not, for the Blows and Bruises he said he had rece'd from the Gaoler and his Servants had rendred him unable to do any business.⁶⁹

Petyt also told Fountain that the true cause of his confinement was that he had laid an information against Griffiths the month before. As Witton summarised it; 'the Real Cause is believ'd to be this; that Petit at the last Assizes complained agt. Griffiths the Goaler for Extortion & other Oppressions towards him & his other Prisoners'.⁷⁰ As in the petitions of

⁶⁴ Witton to Newcastle, 2 November 1741, BL, Add. MSS, 32698, fol. 250^v.

⁶⁵ Evidence of Robert Mackelowd (sic: signed mac Clloud), 26 October 1741, TNA (PRO), ASSI 45 22/2, fol. 57^r. See also evidence of John Pickersgill and Christopher Whitling, *ibid.*, fols. 58–60.

⁶⁶ Information of John Kaye, 26 October 1741, TNA (PRO), ASSI 45 22/2, fol. 56^r.

⁶⁷ Witton to Newcastle, 2 November 1741, BL, Add. MSS, 32698, fol. 251^r.

⁶⁸ Evidence of Ann Petyt, 26 October 1741, TNA (PRO), ASSI 45 22/2, fol. 58^r.

⁶⁹ Evidence of William Fountain, sworn before Jaques Stern, Francis Barlow and Mark and Francis Braithwait, 3 October 1741, TNA (PRO), SP 36/57, fol. 5^r.

⁷⁰ Witton to Newcastle, 23 November 1741, BL, Add. MSS, 32698, fol. 363.

Queen Anne's reign, there may have been an attempt by some prisoners, including Petyt, to protest at the way in which the keeper of the gaol abused his commercial monopoly.

Once these depositions had been gathered and the outline of events was clear, Witton and Dawson called a meeting at York castle on Tuesday 27 October to decide what steps to take. They met with two other Justices, Mark Braithwait of Deighton and Francis Barlow, who had been among those called by Griffiths on 3 October to take the original testimonies in his defence. Witton wanted to proceed against the coroner, scandalised by his irregular procedures, and was insistent that the four justices assembled should charge and commit Griffith, Scott and Cooper all three. Dawson was happy to act against the two gaol servants, but less sure that the evidence would allow them to commit Griffith. However the two other Justices, Barlow and Braithwait, were against any committal at all and made an entry to that effect in the Castle Book.⁷¹ Witton made a warrant of commitment for all three prison officers, but the two dissenting magistrates pressed him to wait for the High Sheriff, Sir Lionel Pilkington, to be sent for. The next day Pilkington came and asked for bail to be taken for Griffiths as he could not at short notice find a replacement gaoler to secure the prison against escapes. On this, reported Witton, 'Mr. Barlow & Dr. Braithwaite did then Declare in some Heat, that tho I sho'd commit them for Murther, yet nevertheless they woud Bail them, a Doctrine very Strange to me that have been Bred a Lawyer'.⁷²

Writing soon after these events, he told the Duke of Newcastle how, when at the bar, he had heard Lord Chief Justice Holt rule against bailing, as being a deterrent to prosecution. This would be much more so in the present case, he argued, 'where all the King's Witnesses were under the Power and Terror of the Goaler, & liable to be practised on by him.' Nonetheless, Barlow and Braithwait granted bail, and took sureties from men 'of Small Substance'.⁷³ Undeterred by the practical and legal doubts of the Sheriff, Witton and Dawson still opposed bail, 'thinking the Proof very strong to Convict the Offenders of Murther'.⁷⁴ They issued a warrant charging that Petyt died under duress, and sent a charge to the army commander in York, Colonel Jordan, to be prepared to take over the guarding of the prison.⁷⁵ In pressing the case so hard, Witton was almost certainly exceeding his authority but he was driven by a conviction 'that Prisoners in a Gaol are under a particular Protection of Law'.⁷⁶ His legal hero was the seventeenth-century jurist, Sir Matthew Hale who, discussing

the several ways whereby a Goaler may be Guilty of Murder towards his Prisoner Amongst several others mentions this viz; Lying or Confining him too Closely in a Noisom place. And says that Duress of Imprisonmt. is said to be inflicted on every one that by that Usage of his Keeper is brought near to Death & further from Life ...⁷⁷

⁷¹ Witton to Newcastle, 2 November 1741, *ibid.*, fol. 253^r.

⁷² *Ibid.*

⁷³ *Ibid.*, fol. 253^v. Sir John Holt (1642–1710) was famed for his impartiality and his regard for the rights of the accused.

⁷⁴ Witton to Newcastle 31 October 1741, TNA (PRO), SP 36/57, fol. 43^v.

⁷⁵ Warrant to Sir Lyonel Pilkington, Bart, High Sheriff, and John Wilmer, gentleman, Under-sheriff, 27 October 1741; Charge to the troops, 28 October 1741, *ibid.*, fols. 50–1.

⁷⁶ Witton to Newcastle 31 October 1741, *ibid.*, fol. 45^r.

⁷⁷ Witton to Newcastle, 23 November 1741, BL, Add. 32698, fol. 364^r.

It was this strong sense of the protections given to prisoners by the Common Law which convinced Witton that Griffiths should be brought to trial for murder.

The testimonies produced by the prison governor himself told, naturally, a very different story. George Whitehouse, a prisoner for debt, was the sole person ordered by Ward, the coroner, to view Petyt's body. He claimed to have particularly scrutinised it because of the rumours but to have seen no marks of violence or bruising. Whitehouse further volunteered that Petyt had often complained to him 'that he had frequent pains in his Body which he believed to be owing to his much leaning over his Loom when at his work for he was a weaver by trade...'.⁷⁸ Prisoners George Batty and James Collison both testified that Petyt, 'an ill-natured peevish obstinate man', was being 'insolent and sawcy' and violent towards the turnkey. In Collison's account, Petyt even admitted that he had only his own insolence to thank for his confinement.⁷⁹ William Wiley, another prisoner, said Petyt was a dropsical infirm man and was as well when he came out of the dungeon as when he went in, making no complaint of ill usage, and that this 'would be confirmed by every person in the Goal except five or six turbulent persons'.⁸⁰ There was a 'distemper' raging in the gaol and James Dodsworth, the York apothecary and surgeon employed to take care of West Riding prisoners, testified that Petyt died solely of a fever and at no time complained of any bruises or ill treatment.⁸¹ Peter Law, a charity school apprentice to Dodsworth, duly swore that Petyt had been given medical treatment for a fever, though no other witness confirmed this.⁸² The medical evidence was crucial to the case, and in late November Witton called the delinquent West Riding surgeon before him to testify again, though Dodsworth merely held to his original story.⁸³

Griffiths and his assistants, to discredit the hostile witnesses, accused them of staging a riot on the evening of 1 October in which the prisoners unbolted the cell doors along the gallery, attacked the prison officers and refused to be confined in their cells, breaking a door and a padlock. They allegedly cried out in the assault, 'we will have no Governour here', and the warders, it was claimed, had to take primed firearms to their rooms with them to sleep.⁸⁴ Though no doubt exaggerated, the incident reveals the anger of some prisoners against their gaoler. The coroner, attorney Robert Ward of Howden, presented Petyt as the former spokesman of this discontented group. Petyt told him in person, he said, 'that others who had made bolts for him to shoot should for the future shoot 'em themselves for he would

⁷⁸ Deposition of George Whitehouse, 3 October 1741, TNA (PRO), SP 36/57, fol. 7^r.

⁷⁹ Affidavits of Batty and Collison, 3 October 1741, *ibid.*, fols. 8^r & 9^r.

⁸⁰ Information of William Wiley, 6 November 1741, sworn before Jaques Stern, Mark Braithwait, Francis Barlow and Richard Braithwait, *ibid.*, fol. 69^v.

⁸¹ Deposition of James Dodsworth, 3 October 1741, sworn before Jaques Sterne, Doctor of Laws, Mark Braithwait Doctor of Laws, Francis Barlow and Richard Braithwait Esqs., Justices of the Peace for the West Riding, *ibid.*, fol. 66^r.

⁸² Information of Peter Law, 6 November 1741, *ibid.*, fol. 67^v.

⁸³ Information of James Dodsworth, 27 November 1741, TNA (PRO), ASSI 45 22/2, case of King and Griffiths, 15 March 1742, fol. 55A^{r-v}.

⁸⁴ Information of Thomas Griffith, Michael Harland, John Foster, John Hartley and John Barret, 3 October 1741, TNA (PRO), SP 36/57, fol. 11^r.

meddle no more with them for they left him the said Petty to bear all the burthen.⁸⁵ It was crucial to the gaoler's case to show that, despite his being a disaffected and surly man, Petyt had been treated with scrupulous fairness. John Hartley, a trusted prisoner and servant to Griffith, even claimed that Petyt's bed had been carried down into the dungeon by Scott, the turnkey. Rather incongruously, he also recorded the gaoler's first response when Petyt asked for some straw to lie on, which was the gruff retort that the straw did not belong to the prisoners. He gave in general though a highly flattering account of Griffiths' good intentions towards Petyt, and claimed 'that the said Strong Room is a sweeter and drier room than some in the Upper Gaol where debtors now lie.'⁸⁶ As Witton and Dawson had seen the dungeon for themselves, this particular falsehood must only have increased their anger over perjured testimony and their sense of the manipulative power of the gaoler.⁸⁷ Witton's letter to Newcastle was angry and direct:

Prisoners under the Power and Influence of Goalers may, God knows, be brought to swear almost any thing. Of which the present Case I fear will be a remarkable Instance. The vox populi runns Strong agt. the Goaler & his Servants, yet as they have the intire Power over the King's Evidence, and must have so, till the Hour of Tryal, I shall not at all wonder to see them Acquit, tho' never so Guilty.⁸⁸

Acquitted they indeed were. In March 1741/2, the case of *Rex v. Griffiths* was brought before York Assizes, the gaoler's place being held temporarily by the senior Serjeant of the Mace, the long-serving George Berry.⁸⁹ Griffiths was probably guilty of manslaughter, and certainly guilty of great abuse of power, but given the position that he held and the way in which the witness depositions conflicted, a conviction was never likely. The charge was almost certainly 'not found' by the jury, and the case dismissed, though the formal record of this does not appear to survive. In March 1742/3, though, Griffiths appears in the records of the Assize court, once more a gaoler, 'of the Castle of York, gent.', offering recognizances in the substantial sum of a hundred pounds for a man accused of perjury.⁹⁰ He remained in his post until early 1746 when he was dismissed after falling out violently with the York magistrate, Dr. Jaques Sterne.⁹¹ At this time, the gaol was crowded by some 227 additional inmates, prisoners taken in the still-current Jacobite rebellion. The Archbishop of York, Thomas Herring, was a national celebrity for his leadership in forming a militia in York to defend the city against the army of the young Pretender, Prince Charles Edward Stuart. Even at the

⁸⁵ Affidavit of Robert Ward, 3 October 1741, *ibid.*

⁸⁶ *Ibid.*, fol. 68^r.

⁸⁷ See also the evidence of Charles Goodhand, Robert Macklood (sic), Thomas Goldart and John Holtby, *ibid.*, fols. 68–70.

⁸⁸ R. Witton to Newcastle, 23 November 1741, BL, Add. MSS, 32698, fol. 364^r.

⁸⁹ TNA (PRO), ASSI 44/56, NE Circuit Indictments, unfoliated, 15 March 1741/2; Berry and his son figure frequently in the York Sheriff's Court Papers, e.g. YCA, F70, F85, F62, F15.

⁹⁰ Assizes Gaol Book, Northeastern Circuit, 1736–62, gaol delivery 7 March 1742/3, TNA (PRO), ASSI 41/4. The man was Thomas Hunter, which was also the name of Griffiths' maternal grandfather, so this may have been a relative.

⁹¹ B. R. Hartley, 'Thomas Griffith of York, "once Governor of the Castle and now a Debtor from the same"', *York Historian* XI (1994), p. 43; Jonathan Oates, 'York and the Rebel Prisoners, 1745–1752', *York Historian* XVII (2000), p. 49.

height of these stirring events, though, Herring was compelled to complain to his friend and patron, Lord Hardwicke, the Lord Chancellor, about the conditions that lay behind the baroque elegance of the city's prison:

as the assizes draw so near it behoves the Judge that comes the circuit to look to that matter of the jail. The prisoners die and the Recorder told me yesterday, when the turnkey opens the cells in the morning, the steam and stench is intolerable and scarce credible. The very walls are covered with lice in the room over which the Grand Jury sit.⁹²

In a kind of rough justice, Griffiths himself was later to experience these conditions at first hand. By 1750 he was deeply in debt to several creditors, and some time early in the next year was confined in his own former prison, where he died in November 1751. Ironically, his debts were contracted by greatly over-optimistic borrowing to fund his speculative building of houses in Marygate. His downfall came through the 'polite' expansion of the town that had been spearheaded by the building of his own gaol.⁹³

The interest of the Petyt-Griffiths case lies in the light that it sheds on the gulf between this expanding polite world of York and the conditions for prisoners within the walls of one of the city's leading buildings. Describing the castle gaol in 1736, Francis Drake, himself a surgeon, had commented particularly on the healthy conditions and medical care offered to the inmates:

The justices of peace for this county have of late years taken great care that this goal should be as neat and convenient within, as it is noble without; by allowing of straw for the felons, and raising their beds which before used to be upon the ground. They have likewise caused an infirmary to be built, for the sick to be carried out of the common prison; allowed a yearly salary to a surgeon to attend them, and have repaired the castle walls quite round.⁹⁴

The complaints made to Richard Witton and the experience of William Petyt show how sanguine such ideas were. Not only did the prisoners not receive the medical assistance paid for by the county but even the supposed allowance of straw seems to have been regarded by the gaoler as his private property. In the long retrospect of hindsight, the abusive treatment of Petyt may not seem to be the most important thing to be noted about conditions in the York castle gaol. Historians might claim it as a success for the country's gentry administrative system that the West Riding justices should have shown such active concern for their charges held in the prison. They might point out how significant it is that there could be such repeated petitions from prisoners; and that the latter could agitate effectively through official channels over the fate of a fellow-inmate.⁹⁵ Compared with the maltreatment and even torture that were commonplace in the Fleet and Marshalsea gaols of London, the conditions in York *were* perhaps less abusive. We should not, though, assume that the ability of prisoners to petition the Justices meant that, in the three months between each Quarter Sessions, all was well within the gaol or that life there was not unhealthy, uncomfortable and at times dangerous.

⁹² Thomas Herring, Archbishop of York, to Philip Yorke, Lord Hardwicke, Bishopthorpe, 14 February 1746, in Philip Yorke, *The Life and Correspondence of Philip Yorke, Earl of Hardwicke, Lord High Chancellor of Great Britain* (Cambridge, 1913), p. 501.

⁹³ Hartley, 'Thomas Griffith of York', pp. 40–55.

⁹⁴ Drake, *Eboracum*, p. 287.

⁹⁵ As, for instance, DeLacy, *Prison Reform in Lancashire*, pp. 53–4.

Above all, the Petyt case highlights not the contrasts but the similarities between the position of prisoners for debt in London and in the country's leading provincial gaol. Contemporary visitors were wrong to take at face value the classical symmetry and apparent roominess of the debtors' prison building. Conditions were no doubt at their worst, and became dangerous to health and life, when prisons experienced overcrowding. On the evidence of York in the first half of the eighteenth century, though, it would seem that some fundamental underlying problems arose from the financial interests and extensive authority of the gaolers. Protests at unjust fees and extortion occur in numerous petitions, and the resulting sense of oppression and unfairness must have poisoned the lives of many debtors. The unpaid volunteer gentry who filled the offices of Sheriff and Justices of the Peace could exert no close or regular control over the regime created by the gaoler and his servants. As the Petyt case shows, even the greatest abuses could not, ultimately, be punished, far less prevented. The commercial and semi-privatised nature of the prison system gave great scope to the 'power and influence of gaolers'. When an inhumane or greedy man occupied the office, there could be a savage contrast between the handsome exterior and fashionable yard of York gaol, and the suffering and stench within.

DEATH BECOMES HER: THE MOURNING AND COMMEMORATION OF ELITE WOMEN IN YORKSHIRE, 1720–1860.

By Ruth M. Larsen

The aristocratic way of life was closed tied up to aristocracy's way of death: for a leading member of one generation to die was to advance the dynastic future of the family in the next generation, as bereavement reshaped the identities of living and dead. These new identities could be shaped by mourning practices, which stressed familial alliances; through the offering of consolation to the bereaved, which allowed friends and distant relations to provide support; and through commemoration, which allowed the identities of the deceased to be recreated and fixed, quite literally, in stone. This article explores these practices by examining the experiences of elite women in Yorkshire, and argues that their 'new' identities were shaped by the notion of 'aristocratic femininity', an ideal associated with both their gender and their class.¹

When Lady Elizabeth Lechmere wrote to her father in 1721, 'I think the loss of those one loves is the greatest affliction that can happen in this life', her comment reflected a common response to a family death: sadness at the loss of one that was loved. She was writing following the death of her brother-in-law, Rich, fifth Viscount Irwin of Temple Newsam, Leeds, and was reflecting on the sorrow of the new widow, her sister Anne.² It was expected that following the death of a family member an aristocrat would go into mourning and it was usual for them to match this formal public act with the private emotion of grief. The death of an aristocrat, though, was not just a sad event; it had a range of consequences for the immediate family and, possibly, for wider society too. Death was the motor which moved aristocratic families forward; it was essential to any new chapter in their dynastic history. The death of the male head of the family would lead to a significant change in the titles and public identities of various family members. Following the death of an Earl of Carlisle, for example, his eldest son and his wife would become the Earl and Countess of Carlisle; he would move to the House of Lords, and so would have to give up his parliamentary seat in the Commons if he had held one. His son would now hold the courtesy title of Viscount Morpeth, and the new widow would become the dowager Countess of Carlisle. Death played an important role in shaping the identities of elites.

This essay explores the impact of death on the public and private identities of elite women in eighteenth and nineteenth century Yorkshire. It considers the various practices and customs associated with death and their roles in shaping and changing the perceptions of individual aristocrats. Responses to a death are explored and the impact of losing a family

¹ The essay on which this article is based was awarded the Yorkshire Society's Yorkshire History Prize for 2005. Many thanks to Elaine Chalus, Allen Warren and Jane Rendall who all read earlier versions of it. My thanks are due also to the Hon. Simon Howard of Castle Howard and the Directors of the Burton Constable Foundation for allowing me to use their archival collections.

² Carlisle MSS, J8/1/356, Elizabeth Lechmere to the third Earl of Carlisle, n.d. [1721].

member is considered through a study of their letters, accounts and other sources.³ The mourning and grieving cultures are also highlighted and the specific roles that these gave women are assessed. The creation of new identities for aristocratic women is then discussed, with special focus on the composition and creation of memorial items, from formal monuments to obituaries, including monuments from Westminster Abbey and York Minster. While these actions are by no means confined to elite women in Yorkshire, by exploring the actions of a small group of women, mainly from three families residing at Burton Constable, near Hull; Castle Howard, near Malton; and Temple Newsam, near Leeds; it is possible to gain a wider understanding of the way the elites responded to death. This paper argues that death played a central role in the assertion and creation of elite women's identities at the time of a family member's passing, as well as that of their own death. The reshaping of identities due to bereavement was not a phenomenon exclusive to the eighteenth and nineteenth centuries, and the reassessment of individuals and their roles following a death can be found in many time periods and locales. However, the nature of the identities assigned to people does reflect the ideals of the period when the reassignment took place. For this period, those ideals for elite women can be described as conforming to 'aristocratic femininity', and so the posthumous image of a woman was often shaped by both the ideals of wider society and the desires of her family, rather than reflecting her own self-defined identity.

The women of the aristocracy were expected to conform to a distinctive form of femininity, although, in practice, very few were able to match the ideals of society. Women in the eighteenth and nineteenth centuries were increasingly expected to be 'domestic', concerned with the issues of home and family. The virtues of chastity, kindness and humility were ideals which could be best fulfilled within the domestic sphere.⁴ Domesticity was not simply about running the household effectively, but also had emotional qualities. Being devoted to one's family and home life were also important features of the life of the domestic woman. This ideal of domesticity was shaped by notions of sentimentality, which had increasing currency during the later-eighteenth and early-nineteenth centuries, with writers such as Rousseau, whose work was read by many elite women, discussing the values of sentiment and sensibility

³ Among the studies which have explored the histories of death are: R. Houlbrooke, *Death, Religion and the Family in England, 1480-1750* (Oxford, 1998); K. S. Guthke, *The Gender of Death. A Cultural History in Art and Literature* (Cambridge, 1999); P. Metcalf and R. Huntington, *Celebrations of Death. The Anthropology of Mortuary Ritual*, second edition (Cambridge, 1991); P. C. Jupp and C. Gittings (eds.), *Death in England. An Illustrated History* (Manchester, 1999); P. Ariès, *Western Attitudes toward Death: From the Middle Ages to the Present*, Trans. P. M. Ranum (London, 1976); J. McManners, 'Death and the French historians', in *Mirrors of Mortality. Studies in the Social History of Death*, ed. J. Whaley (London, 1981), pp. 106-30; and P. Jalland, *Death in the Victorian Family* (Oxford, 1996).

⁴ For studies of the domestic roles of elite women see, among others: J. S. Lewis, *In the Family Way. Childbearing in the British Aristocracy 1760-1860* (New Brunswick, N.J., 1986); J. Gerard, *Country House Life, Family and Servants, 1815-1914* (Oxford, 1994); A. Vickery, *The Gentleman's Daughter. Women's Lives in Georgian England* (London, 1998).

in their work.⁵ Many works from this date idealized the home as the location of 'felicitous sentimental' domesticity, with the 'affectionate husband' and 'natural mother' at the centre of the narratives.⁶ While the social status of elite women and the staff available to them meant that it was not necessary for them to take on the *work* of the domestic woman, as the ideals of domesticity were considered important signifiers of sensibility and femininity it was important to be seen as fulfilling the *roles* of the domestic woman.

However, it would be erroneous to think that elite women were confined to the private sphere.⁷ They were not restricted by a lack of finance or mobility as many women from other social classes were, and so were not only able but were expected to have a public role. It could be argued that of all women, they had access to the widest opportunities; Joan Perkin describes English aristocratic wives of the nineteenth century as 'the most liberated women in Europe'.⁸ Historians such as Elaine Chalus and K. D. Reynolds have examined the important role that elite women played in eighteenth-century political society, and their ability to become public figures, within certain constraints.⁹ The idea that women were nothing more than decorative appendages to their politician husbands has been challenged, and their influence in the political world, through patterns of patronage and their own efforts in philanthropic and social causes, has been demonstrated. These studies have established that women could be as influential as their husbands and fathers in the political arena, at Westminster, the Court, and in their local communities.¹⁰ Elite women were not just women, but aristocrats too; their wealth and class made the real difference in terms of access into public life, and so birth overrode gender. As Reynolds notes: 'In relation to their own families and, to an extent, their own class, aristocratic women were first and foremost

⁵ For example, Frances, Viscountess Irwin bought a six volume copy of *La Nouvelle Héloïse* in 1761 for 15 shillings; West Yorkshire Archives Service, Leeds [hereafter WYAS], TN/EA/12/18, Bills for Books, stationary, etc., Bill to Mrs Ingram from J. Jackson, 1761. Also, the fifth Earl of Carlisle read Sterne's *Sentimental Journey* (1768) in the 1770s, and recommended his wife read it too. See Carlisle MSS, J15/1/2, Frederick, fifth Earl of Carlisle, to Caroline Carlisle, Paris, [1771–3]. For a discussion of the rise of the sentimental in the literature of the period see: G. J. Barker-Benfield, *The Culture of Sensibility. Sex and Society in Eighteenth-Century Britain* (Chicago, Ill., 1992), esp. ch. 6; J. Mullan, *Sentiment and Sociability. The Language of Feeling in the Eighteenth Century* (Oxford, 1988); J. Brewer, *The Pleasures of the Imagination: English Culture in the Eighteenth Century* (London, 1997).

⁶ Brewer, *The Pleasures of the Imagination*, pp. 114–22, esp. p. 116.

⁷ The most influential work on separate spheres is L. Davidoff and C. Hall, *Family Fortunes: Men and Women of the English Middle Class 1780–1850*, revised edn (London, 2002). For the subsequent debates on this issue see, for example: H. Barker and E. Chalus, 'Introduction', in *Gender in Eighteenth-Century England: Roles, Representations and Responsibilities*, ed. H. Barker and E. Chalus (London, 1997), p. 18; L. Kerber, 'Separate spheres, female worlds, woman's place: the rhetoric of women's history', *Journal of American History* 75 (1988), 9–39; J. Rendall, 'Women and the public sphere', *Gender and History* 11 (1999), 475–488. A. Vickery, 'The Golden Age to separate spheres? A review of the categories and chronology of English women's history', *The Historical Journal* 36 (1993), 383–404.

⁸ J. Perkin, *Women and Marriage in Nineteenth-Century England* (London, 1989), p. 5.

⁹ See, for example: E. Chalus, *Elite Woman in English Political Life, c.1754–1790*, (Oxford, 2005)

¹⁰ Other studies of elite political women include: K. Gleadow and S. Richardson (eds.), *Women in British Politics, 1760–1860: the Power of the Petticoat* (London, 2000); J. S. Lewis, *Sacred to Female Patriotism: Gender, Class and Politics in Late Georgian Britain* (London, 2003); S. Richardson, 'The role of women in electoral politics in Yorkshire during the eighteen-thirties', *Northern History* 32 (1996), 133–51; A. Vickery (ed.), *Women, Privilege, and Power: British Politics, 1750 to the Present* (Stanford, Calif. 2001).

women. In relation to the rest of the world, they were aristocrats first and last'.¹¹ This meant that aristocratic femininity had to take into account both their public and private roles. Along with being virtuous wives, mothers and siblings, elite women were also expected to be active within the family in their duties as aristocrats. They were an important and active part of the political and social networks of elite society, through which families and individuals could seek preferment, grant patronage, and gain power locally, nationally and internationally. Women of the upper classes therefore needed to be demure and persuasive, dynastic and domestic. These concerns shaped their social identity – they were to be both aristocratic and feminine.

MOURNING

The importance of both the aristocratic and the feminine shaped elite responses to bereavement. Following the death of a loved one, the elite woman of the eighteenth and nineteenth centuries was expected to mourn, and was likely to grieve. Mourning is a cultural rather than a psychological phenomenon, and often reflects a communal response of sympathy; for the bereaved, it can act as a formalization of the emotive sorrow of grief.¹² Women of all classes were especially associated with mourning and grief in this period in a number of cultures across Western Europe. They often featured as mourners in artistic representations of death, especially in the late-eighteenth and early-nineteenth centuries, and they were increasingly identified as the mourners and grievers of society.¹³ They were believed to be more prone to extreme grief than men, because it was thought that they lacked 'reason', and so were unable to restrain their sorrow. For those who did not need to earn a living, their roles as 'domestic women' meant that they were often more sensitive to the absence of the deceased within the home setting, and so were therefore likely to be more aware of the impact of their loss. Wealthy women had the time to partake in the lengthy mourning rituals; unlike their husbands, who often needed to continue in public life, wives could pass their duties on to their servants, and luxuriate in woe.

While mourning was undertaken across the social spectrum, mourning had an important ceremonial significance for aristocratic families, as it could both affirm ties of kinship and signify allegiance.¹⁴ There were common patterns of behaviour for mourning, although the details were often confused and changed according to fashion; for example, when Queen Caroline, wife of George II, died in 1737, there was great debate among the peers about the extent to which they should go into mourning.¹⁵ Within families, the length of time for mourning was also often uncertain. Although it was generally understood that one should withdraw from Society life for at least a year, if not two, for an immediate relative the length

¹¹ Reynolds, *Aristocratic Women*, p. 4.

¹² E. Schor, *Bearing the Dead. The British Culture of Mourning from the Enlightenment to Victoria* (Princeton, N.J., 1994), pp. 3–4; A. Olberding, 'Mourning, memory, and identity: a comparative study of the constitution of the self in grief', *International Philosophical Quarterly* 37 (1997), 29–30.

¹³ E. Hallam and J. Hockey, *Death, Memory and Material Culture* (Oxford, 2001), p. 69; L. McCray Beier, 'The good death in seventeenth century England', in *Death, Ritual and Bereavement*, ed. R. Houlbrooke (London, 1989), p. 46.

¹⁴ R. Trumbach, *The Rise of the Egalitarian Family. Aristocratic Kinship and Domestic Relations in Eighteenth-Century England* (New York, N.Y., 1978), p. 34.

¹⁵ Historical Manuscripts Commission, *Fifteenth Report, Appendix, Part 6: the Manuscripts of the Earl of Carlisle, formerly Preserved at Castle Howard*, ed. R. E. G. Kirk (London, 1897), p. 190.

of time for cousins and uncles was often confused, needing a Mrs Delany-like figure in each family in order to guide them.¹⁶ Mourning, therefore, could be a long and lonely affair, although lesser relations often discarded mourning dress for important social occasions.¹⁷ These official practices of mourning would have had a significant impact on the identity of an individual. It was not only possibly detrimental to the bereaved, as a year or two in black limited the opportunities to be treated as a normal individual and thus to accept their loss, but it also impacted on their public identity as they were perceived as a mourner, rather than as a political confidant, hostess, or mother.¹⁸

The nature of the life of the female aristocrat, though, often meant that mourning did not prevent their work in forwarding the family, and was rarely enclosing. Women often fell pregnant when they traditionally should have been in mourning, especially if it was a child who had died, and some remarriages took place during the year of mourning. Lady Mary Barbara Chichester, for example, gave birth to her son, Thomas, ten months after her first child, Isabella, died in 1827; and the second marriage of Henry, fourth Earl of Carlisle, took place eleven months after the death in July 1742 of his first wife, Frances. Mourning practices did not always make a significant impact on provincial life, as mourning was often a show for the Metropolis. Women could therefore still entertain within the country house setting, and were still expected to run the household and family. Coming together as a family was one of the main leisure activities of elite women in the provinces, and mourning did not significantly alter this aspect of their social life. Within collections of letters to and from Yorkshire elites, there is a notable absence of evidence of the mourning practice of removing one's self from society for years on end. For example, the children of Georgiana, fifth Duchess of Devonshire, do not appear to have entered a year of seclusion from Society following her death in 1806. Her son wrote of his plans for the month of the first anniversary of the death, noting that he did 'not intend to go out on the gay at all in this mellancholy month', suggesting that he had been 'on the gay' in the previous weeks.¹⁹ Formal ideals of mourning, if followed at all, appear to have been a simple addition to their daily life, not worthy of comment and not so restrictive that their life was significantly altered.

BEREAVEMENT

While mourning may have had a limited impact on the lives of elites, the effects of bereavement may have greatly altered the roles, responsibilities and identities of an elite woman. The death of a husband was the most significant bereavement in this regard: at

¹⁶ Mary Delany, *née* Granville (1700–88), was a well-connected court favourite and artist whose many letters contained advice regarding etiquette, appropriate behaviour and other issues of social decorum, which were relied upon by her relatives and friends. Trumbach, *Rise of the Egalitarian Family*, pp. 35–40.

¹⁷L. Davidoff, *The Best Circles. Society and Etiquette and the Season* (London, 1973), p. 56. The nature of formal mourning in the eighteenth century has not been subject to a wide ranging survey, and so the common practices have not been clearly defined. By the nineteenth century a mourning period of two years was expected for a spouse, and one year following the death of a parent or a child. P. Jalland, 'Death, grief, and mourning in the upper-class family, 1860–1914', in *Death, Ritual and Bereavement*, ed. R. Houlbrooke (London, 1989), p. 183.

¹⁸D. Cannadine, 'War and death, grief and mourning in modern Britain', in *Mirrors of Mortality. Studies in the Social History of Death*, ed. J. Whaley (London, 1981), p. 190.

¹⁹ Devonshire MSS, Letters of the fifth Duke of Devonshire, 1926, Lord Hartington to Georgiana Morpeth, 20 March 1807.

widowhood a woman may have gained independence and been enabled to control her own income assured by the terms of her marriage settlement.²⁰ However, for those who enjoyed a close and happy relationship with their late spouse and had enjoyed free access to 'his' money, this was little comfort, especially if she had to leave her home to make space for the new Lord (usually her son) and his family. These potential problems, though, could be negotiated if there were an affectionate family circle to support the bereaved. The case of Lady Anne Irwin (1697–1764) reflects the importance of a supportive family for a widow, and the significant changes that could be brought about by the death of a spouse. Anne was the second daughter of Charles, the third Earl of Carlisle, builder of Castle Howard, near Malton, in the North Riding. The building reflected Charles's ambitions for himself and for the Carlisle name. It was designed to be an impressive edifice to which he could bring and then entertain the most powerful and influential people in England in order to assert and improve his own status.²¹ His ambitions spread to Anne and his other daughters, whom he wished to be successful allies in his plans to enhance the position of the Carlises. Political networking, holding positions in Court, and forming friendships with other influential aristocrats were all ways in which elite women could work towards supporting the future plans of an aristocratic family. For many, though, their strongest suit in forming enduring relationships was in their choice of spouse; it was by marriage that women could introduce into a family close and secure allies. When Castle Howard was being decorated Carlisle arranged for the artist Antonio Pellegrini to paint a large portrait of Anne and her sisters, Mary and Elizabeth. The three are portrayed identically, and the differences in their personalities and ages were not alluded to. They were aged between eleven and seventeen years at the time of painting, but all are portrayed as though they were just on the cusp of maturity.²² By presenting his daughters as identikit ideal young women, singing and playing music, Carlisle appears to be creating an advertisement for their marriageability while stressing that even if one were taken, one of the others would prove to be a perfect replacement.

In spite of Carlisle's high hopes, Anne and her sisters did not provide him with Dukes and Earls for sons-in-law. Mary did not marry at all, which Sarah, Duchess of Marlborough,

²⁰ For a discussion of the financial status of widows see: S. Staves, *Married Women's Separate Property in England, 1660–1833* (Cambridge, Mass., 1990). Other texts of interest include: I. Blom, 'The history of widowhood – a bibliographic overview', *Journal of Family History* 16 (1991), 191–210; essays in L. Botelho and P. Thane (eds.) *Women and Ageing in British Society Since 1500*. (London, 2001); M. Froide, 'Marital status as a category of difference. Singlewomen and widows in early modern England', *Singlewomen in the European Past, 1250–1800*, ed. J. M. Bennett and A. M. Froide (Philadelphia, Pa., 1999), pp. 236–69; O. Hufton, 'Women without men: widows and spinners in Britain and France in the eighteenth century', *Journal of Family History* 9 (1984), 355–76; M. Palazzi, 'Female solitude and patrilineage: unmarried women and widows during the eighteenth and nineteenth centuries', *Journal of Family History* 15 (1990), 443–460.

²¹ The most complete survey of the architectural history of Castle Howard is C. Saumarez Smith, *The Building of Castle Howard* (London, 1990), based on his unpublished thesis, 'Charles Howard, third Earl of Carlisle, and the architecture of Castle Howard', PhD Thesis, University of London, Warburg Institute, 1987. See also K. Dowes, *Sir John Vanbrugh. A Biography* (London, 1987), p. 197. For a discussion of Vanbrugh's role in design landscapes see the essays in C. Ridgway and R. Williams (eds.), *Sir John Vanbrugh and Landscape Architecture in Baroque England 1690–1730* (Stroud, 2000). For a history of the family see the various guidebooks and V. Murray, *Castle Howard: the Life and Times of A Stately Home* (London, 1994).

²² The portrait was painted between 1709–1712; Saumarez Smith, *The Building of Castle Howard*, pp. 94–104.

blamed on the small dowry provided by Carlisle, but Mary's tendency toward, and enjoyment of, ill health could not have helped either.²³ Elizabeth was eighteen when she married Nicholas, Baron Lechmere in 1719, which was not welcomed by Carlisle. When her father told Elizabeth that he disapproved of the match, she reminded him that he had given her 'liberty to doe [sic] as I pleased, and if my Grandmother would act in it, you should not be disobliged'.²⁴ She worked to gain her grandmother's acceptance and so her father eventually consented to the marriage; she was granted a portion of £6,000 and a yearly £800 for her jointure.²⁵ This marriage was very unhappy, though. Nicholas Lechmere was described by his nephew as 'an excellent lawyer, but violent and overbearing', and so Elizabeth appears to have taken to gambling and drink as a way of escaping her daily life.²⁶ In February 1726 she deliberately took a large dose of laudanum, but failed to kill herself; Lady Mary Wortley Montagu wrote: 'after having played away her reputation and fortune, she has poisoned herself. This is the effect of prudence!'²⁷ It was Nicholas' death that ended the marriage, dying after a fit of 'apoplexy' at his London residence, Campden House, Kensington, on 18 June 1727.²⁸

It was therefore Anne who offered Carlisle the greatest hope by marrying in 1718 Rich Ingram (1688–1721) who in 1714 had become the fifth Viscount Irwin, inheriting the title and the Temple Newsam estate from his unmarried elder brother. While Rich was not the most influential of potential suitors for Anne, with estates in Yorkshire, familial control of the Parliamentary seat of Horsham, Sussex, and ownership of a regiment, the match had some dynastic potential for Carlisle. While Rich and Anne's marriage appears to have been a happy one, on a practical level, they did not enjoy great fortune. He had invested in the 'cruel South Sea', paying £40,000 for £10,000 worth of stock that was never recovered.²⁹ The Irwins had been indebted for some time and this loss was too much for their weak fortune to bear. Rich and Anne considered leaving the country for Barbados where he had been offered the Governorship, which was worth £5,000 a year. This was a move which Anne did not desire, as she did not want to lose contact with her family, but was willing to accept as part of her duty as a wife, and to enable her to fulfil her roles as Viscountess Irwin.³⁰ However Anne's plans for a new life in the West Indies were put on hold when Rich contracted small pox in April 1721 and died. His death put Anne into a position of great distress,

²³ G. Scott Thomson (ed.), *Letters of a Grandmother 1732–35. Being the Correspondence of Sarah, Duchess of Marlborough with her granddaughter Diana, Duchess of Bedford* (London, 1943), p. 58.

²⁴ Carlisle MSS, J8/1/308, Elizabeth Howard to the third Earl of Carlisle, n.d. It is not clear why her grandmother was given such an important say in this event, but it may be that she acted in a maternal role after Charles's wife left him.

²⁵ Carlisle MSS, A5/52, Articles on the marriage of the Rt. Hon. Nicholas Lechmere Esq., with the Rt. Hon. Elizabeth Howard, 11 April 1719.

²⁶ *DNB* entry for Nicholas Lechmere; Saumarez Smith, *The Building of Castle Howard*, pp. 186–7.

²⁷ M. W. Montagu, *The Complete Letters of Lady Mary Wortley Montagu*, ed. R. Halsband, 3 vols (Oxford, 1965–7) ii, p. 58.

²⁸ A. A. Hanham, 'Lechmere, Nicholas, Baron Lechmere (1675–1727)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004. After Lord Lechmere's death she married again, Sir Thomas Robinson, the second architect of Castle Howard, who was very controlling of his wife.

²⁹ Carlisle MSS, J8/1/124, Mary Howard to the third Earl of Carlisle, 21 February [1721].

³⁰ Historical Manuscripts Commission, *Fifteenth Report, Appendix, Part 6: the Manuscripts of the Earl of Carlisle, formerly Preserved at Castle Howard*, Ed. R.E.G. Kirk (London, 1897), p. 25; Carlisle MSS, J8/1/169, Anne Irwin to the third Earl of Carlisle, 17 November 1720.

emotionally, financially and practically. She wrote to her father:

Your Lordship knew my happiness in the dear man thats gone that you won't wonder to hear I'me in sincere affliction for him ... time can only make me easie [but] at present I'me so unhappy all the views I have in this world are very melancholy [sic].³¹

Anne's reflections on her affection for her husband show how she felt personally bereaved at his death. They had no children and had been married less than three years; she was not expecting to become a widow yet and had not had the opportunity to fulfil many of her roles as an elite wife. Her natal family were greatly concerned for her well-being after the death, and they came to support her both in the immediate aftermath of her loss, and in the later years, reflecting the supportive nature of many elite families. She was described as 'the picture of sorrow' by her sister Mary who sat with her all day, every day, during the month following her bereavement.³² Although she was physically healthy, she suffered greatly from her loss, feeling 'so dejected and mallencholly [sic] that we sometimes sit a whole day together without her speaking or caring to be spoken too'.³³

Along with her grief came financial worries. The indebted Rich had left neither a will nor much readily accessible money; she used what she had to pay servants and her immediate bills and still she faced requests from family and friends for payments of outstanding debts, mainly gambling dues and other loans. In the days following the death she had received a thousand pounds from the Crown, part of the £7000 that was due to her as Rich had bought a regiment. However, this money was quickly spent and Anne had no money left to cover her own expenses, even the cost of travel back to her father's home at Castle Howard.³⁴ Those who were owed money were keen to have it repaid swiftly, as they feared they would never get anything back if they had to wait for the estate to be settled. Anne was now one of three dowager Viscountess Irwin alive in the 1720s, and, in the eyes of the Ingram family, probably the least important. Rich's mother, Isabella, the dowager Viscountess Irwin (c. 1670–1764) was made executor of the estate, as she had been for her elder son, the fourth Viscount.³⁵ The estate was already heavily mortgaged when Rich inherited it, and so his gambling debts and bad investments had placed the finances under a real strain. Isabella needed to identify everything that belonged to the estate, so that she could assess and try to remedy the financial situation. However, Anne had taken items from Temple Newsam that she believed were hers but Isabella claimed to be part of the estate.³⁶ Isabella also pressed the Carlisle family hard to pay money that was due to the Irwin estate as part of Anne's marriage settlement, a problem that was not resolved for many years. Anne fought staunchly against Isabella's requests, demanding to keep various items, at least for her lifetime, and ensuring that the Carlises were not financially affected by Rich's death. While Rich was alive the relationship between

³¹ Carlisle MSS, J8/1/127, Mary Howard to the third Earl of Carlisle, London, 13 April [1721]; Carlisle MSS, J8/1/128, Mary Howard to the third Earl of Carlisle, London, 23 April [1721].

³² *Ibid.*

³³ Carlisle MSS, J8/1/128, Mary Howard to the third Earl of Carlisle, London, 23 April [1721].

³⁴ *Ibid.*

³⁵ The other dowager Viscountess was Elizabeth, Isabella's sister-in-law, and wife of the second Viscount Irwin. Her child had died young, and she too was seen as an expensive drain that the family could ill afford. All three dowagers lived to over 65 years of age.

³⁶ She eventually returned or paid for most items, although she kept a portrait of Rich for her lifetime. WYAS, Leeds, TN/C/13/37, R. Hopkinson to Isabella Irwin, 29 January 1723/4.

the two Lady Irwins was difficult. When Isabella was encouraged by her steward to make peace with Rich and Anne, she dismissed his request as 'friendly advice to give up my just wit to an ungrateful son, wholly governed by the proud family of the Howards who have never served anybody but for their own interest'.³⁷ His death meant that the only thing which united them had been removed. Anne and Isabella, two widows, came into direct conflict and were shown to have a great deal of power to manage the negotiations in order to get what they and their families wanted. However, without children of her own, Anne lacked a distinctive 'use' to the family – she was merely a financial drain. Her in-laws were therefore able to reject her and her wishes, and act with sole concern for the Irwin family future.

Anne had not only experienced the death of her husband, but also the death of her future. Her plans for a life as Viscountess Irwin, chatelaine of Temple Newsam, and the mother to the next Lord Irwin had been taken away, and she was now, in effect, a single woman again. With the death of Rich, Anne not only lost a significant part of her own identity, but also her place within the dynastic plans of the Irwin family. She was forced to return to her natal family, who supported her in her grief, and continued to do so in her widowhood and with her problems with Isabella. Anne appears to have had limited contact with the Ingrams after 1721, with the exception of Charles, Rich's younger brother who had been part of Anne's letter writing circle during her marriage and later helped her in planning her second marriage in 1737.³⁸ Anne was an Irwin only in name after her widowhood; she was in practice a Howard again, and it was their concerns which were at the heart of her later career in the Royal Court.³⁹

Anne's negative experiences following her bereavement were more marked and harsh than those faced by most women following the death of a spouse. For many, especially those who were mothers, their new identity as dowager could be more positive. Georgiana, sixth Countess of Carlisle (1783–1858) continued to reside at Castle Howard following the death of her husband in 1848. Their eldest son George, now the seventh Earl of Carlisle, was unmarried and in terms of her official functions within Castle Howard, Georgiana continued as chatelaine. George wrote of their partnership as being like a successful marriage, and while Georgiana's declining health meant she did not play as active a role in society as she once had as Countess, her status and domestic identity were not altered by the death of her husband.⁴⁰ Women could be positively empowered by their position as widow. Frances, the ninth Viscountess Irwin (1734–1807) was widowed in 1778, and as part of her marriage settlement, she inherited a life interest in Temple Newsam before it passed on to her daughters; she and her husband, Charles, had no sons.⁴¹ As the wealthy illegitimate daughter and heiress of Samuel Shepherd M.P., Frances had brought a great deal of wealth into the Ingram family and had been able to repay their mortgages and other debts. Therefore, once in control of the house and estate in her own right, she was not hindered by any financial concerns. She

³⁷ WYAS, Leeds, Pawson MSS, Ac 1038, Volume 9 (January 1717–December 1747), Robert Hopkinson to Isabella Irwin, 13 December 1718.

³⁸ Carlisle MSS, J8/1/284, Anne Irwin to third Earl of Carlisle, 7 June [1737].

³⁹ E.g. Carlisle MSS, J8/1/257, Anne Irwin to the third Earl of Carlisle, 3 April, n.y.; HMC, *Fifteenth Report, the Manuscripts of the Earl of Carlisle*, pp. 165–92.

⁴⁰ Carlisle MSS, J18/3, Seventh Earl's correspondence with his mother; 19 February 1855 and 30 December 1852.

⁴¹ WYAS Leeds, TN/F/18/2, Marriage Settlement between Charles and Frances Irwin.

radically redesigned Temple Newsam in order to accommodate her family and their needs. The changes that she made included both practical improvements and embellishments for the purpose of display. While her husband was alive she had made the Tudor interiors more fashionable, redecorating, for example, her bedroom with Gothic style 'pillar and arch' wallpaper. She also employed Capability Brown to landscape the park, thereby reasserting the public face of the house and promoting the family as fashionable, wealthy and influential members of the Yorkshire elite.⁴² After her husband's death, her work continued. She demolished most of the south wing, which featured an old, medieval-style hall and kitchens, and rebuilt it with a series of reception rooms, dressing rooms and, most importantly, bedrooms for her five daughters.⁴³ She wrote:

I amuse myself wonderfully and I may say prodigiously for I have attacked a huge wing of Templenewsam [sic] – have pulled down walls as thick as the Tower for the sole pleasure of building them up again and here I am now in the midst of desolation created by my own nonsensical self.⁴⁴

She was free to change the house and its environment as she wished; she did not have to gain permission from a husband but could knock down the walls of her home for pleasure. Frances was not simply a figurehead for the building work but took an active role in the decisions and appears to have managed the building accounts herself.⁴⁵ Her work at Temple Newsam was centred on making the house a home, a comfortable, domestic location, ideal for raising her five daughters. However, she was also aware of the dynastic role of the house, as a symbol of the family name. She appreciated the importance of a fashionable house and landscape in reflecting her own status in local and national society, and by reshaping her home into a modern stately home she was able to raise and refashion both its and her own identities.

However, it was her political identity that was most strengthened by her widowhood. Frances was concerned that the 'family interest' was maintained during both her marriage and her widowhood, taking a keen interest in politics, especially at the family seat of Horsham, Sussex.⁴⁶ She fought to keep direction of votes in the borough when the eleventh Duke of Norfolk threatened her control of the seat after Charles had died. Although Norfolk had both influence and wealth, spending £70,000 on the borough, it is a testament to Frances's determination and petitioning skills that he had to use corrupt means to win the elections. However, she successfully appealed against the results, and had her candidates seated in both the 1790 and 1806 contests against Norfolk. He gained control of the borough only after her death when he bought the Irwin interest for the record sum of £91,475.⁴⁷ Her determination to keep part of the family's dynastic influence in their control reflects how

⁴² Unattributed, *Temple Newsam* (Leeds, 1999), p. 14

⁴³ A. Wells-Cole, 'The Terrace Room at Temple Newsam', in *Leeds Art Calendar* 108 (1991), pp. 15–16. See also A. Budge, 'Temple Newsam and "the Good Shepheard's"', in *Leeds Art Calendar* 98 (1986), 8–15.

⁴⁴ PRO 30/29/4/2/54, Frances Shepheard to Lady Stafford, 14 June 1795.

⁴⁵ WYAS, Leeds, TN/EA/13/70, Building Account for Temple Newsam, 1795–1803.

⁴⁶ The history of the Ingram family in Horsham is the subject of A. F. Hughes and K. Knight, *Hills. Horsham's Lost Stately Home and Garden* (Horsham, 1999).

⁴⁷ E. Chalus, 'Women, electoral privilege and practice in the eighteenth century', in *Women in British Politics, 1760–1860: The Power of the Petticoat*, ed. K. Gleadle and S. Richardson (London, 2000), pp. 28–9.

important issues of inheritance and maintaining political power were to such women, and her willingness to be seen as the political figurehead of the family. In her wider political and social positions, widowhood had empowered Frances and enabled her to work openly in political and architectural roles that she would have previously shared with her husband.

CONSOLATION

It was not only the death of a spouse that could have a significant impact on the identity of the living, but of other relatives too. People grieved not only for the individual lost, but also for their plans with that person, and this is an important consideration when studying aristocratic families, particularly in relation to an untimely death of an heir. When the eldest son of the fourth Earl of Carlisle fell ill in 1741, his family were greatly concerned, and hoped for improvement, as 'his life [is] most essential to your happiness and my Ladies and the support and credit of our family'.⁴⁸ The use of the term 'credit' reflects the inherent value of having a viable heir, not just in terms of the image of the family but also their worth. His death later that year was therefore considered a real tragedy for the Howard family, and the family mourned together. Charles, Lord Morpeth, had been groomed for the Earldom, and his potential had been cut short through his early death. Like the death of a husband early in a marriage, so the death of an heir represented lost opportunities and unfulfilled plans. The loss of an heir could herald the death of the dynasty too, a demise more significant than that of an individual, but the end of an ideal that had been nurtured and shaped for many years.

There was often a shared sense of grief, and so friends and family provided comfort to the bereaved, giving them the opportunity to stress their links with the family and present a joint dynastic identity. When Caroline, fifth Countess of Carlisle, died in 1824 her husband was anxious to have his family near to him, requesting that those children who were away from Castle Howard returned to their childhood home.⁴⁹ Families could offer practical support to one another, which was especially useful to women who may have lost their home and were in need of support looking after their children. Following the death of Sir Charles Chichester in 1847, his sister invited the widow to be with her family at Burton Constable so that they could 'do all we can to try and make you feel less acutely your sorrow'.⁵⁰ Women often played a leading role in offering assistance. Lady Caroline Lascelles, for example, looked after her brother Charles Howard in 1843 after his wife died in childbirth; the child went into the care of his maternal grandparents.⁵¹ However, it may have been family friends who provided comfort from afar. Ralph Sneyd, for example, wrote that he was happy to listen to Lady Georgiana Dover's sorrows following the death of her husband, George, in 1833; George and Ralph had been friends for many years.⁵² Friends and family could share in the community of grief, and support those in need.

⁴⁸ Carlisle MSS, J12/1/51, Anne Irwin, Kew, to Henry Howard, fourth Earl of Carlisle, 27 June [1741?].

⁴⁹ Devonshire MSS, Letters of the sixth Duke of Devonshire, 904, Georgiana Morpeth to sixth Duke of Devonshire, 29 January 1824

⁵⁰ Brynmor Jones Library, Charles Chichester MSS, DDCH/55, Letters of condolence following Sir Charles Chichester's death, Marianne Clifford Constable to Mary Chichester, 14 May 1847.

⁵¹ Northumberland Record Office, Ridley Mss, ZRI/31/30, Georgiana Carlisle, Castle Howard, to Lady Parke, 30 August 1843.

⁵² Keele University Library, Sneyd MSS, SC9/247, Mr Ralph Sneyd to Georgiana Dover, n.d.

The importance of support at times of crisis is reflected in the contents of condolence letters, many of which offered practical advice, expressed religious ideas as a form of comfort, and contained personal expressions of sorrow. Pat Jalland has argued that the condolence letter was an important source of strength to the grieving family in the nineteenth century, as it offered both practical and emotional assistance, and ensured that the bereaved did not feel alone.⁵³ The letters also provided a way for elites to become an active part of the culture of mourning and to express their allegiance with the bereaved. While non-related peers were expected to go into mourning after the death of a member of the Royal family, it was usual for only the family to wear full mourning dress following the death of an aristocrat. Friends and acquaintances therefore needed to find other ways of expressing their (real or tactical) sadness at the loss and of reasserting their linking with a family in mourning. Condolence letters were often formal and followed widely accepted conventions. They usually focused on the bereaved rather than the deceased, containing phrases such as ‘I can find no words to express to you what I feel for you’.⁵⁴ For example, in 1715, Anthoinette Coyer heard erroneous reports that Rich Irwin had died in battle, and wrote to Rich’s mother to ‘express my heart breaking sorrow for the death of your honourable son’.⁵⁵ Consolatory writings also often used the language of religion, especially from the Bible, and tried to offer comfort by alluding to the vulnerability of life. Popular biblical sources included St. Paul, Revelation, Job or Timothy, giving the writer a template for acceptable and managed sentiments.⁵⁶ For those who had a strong faith, the letters focused on a shared faith in the lasting support of God as a way of providing comfort to the grieving, a practice which was by no means exclusive to the aristocracy. This was especially prevalent in Roman Catholic families, such as the Constables of Burton Constable. Following the death of Eliza Chichester in 1859, her sister, Lady Marianne Clifford Constable, received many supportive letters that used powerful religious imagery. Their cousin, Mary Lucy, a nun, reminded Marianne that while: ‘it is not in the power of human consent to assuage such grief as yours ... thank God we have a higher source to draw from for consolation in the very bitterest sorrow’.⁵⁷ By sending out these letters, elites were restating their alliance with a family, on personal, social, dynastic and/or political levels, and maintaining their own elite identity.

These ties could also be reaffirmed through the owning and wearing of mourning jewellery.⁵⁸ Unlike full mourning dress, jewellery could be worn by wider family and friends as a way of publicly asserting private sorrow, or stating public alliances. As well as jewellery owned by the deceased, items were specially made to commemorate their death, and both were exchanged and worn in the period of mourning as well as becoming lasting forms of memorial.

⁵³ Jalland, ‘Death, grief, and mourning’, p. 181.

⁵⁴ For example, Brynmor Jones Library, Charles Chichester MSS, DDCH/55, Letters of condolence following Sir Charles Chichester’s death, Marianne Clifford Constable to Mary Chichester, 14 May 1847.

⁵⁵ WYAS, Leeds, TN/C/12, Letters to Rich, Anthoinette Coyer to Isabella Irwin, 20 March 1714/5.

⁵⁶ For a discussion of consolatory writings see A. Carrdus, ‘Consolation arguments and maternal grief in seventeenth-century verse – the example of Margarethe Susanna Von Kuntsch’, *German Life and Letters* 47 (1994), esp. 135–7.

⁵⁷ East Riding of Yorkshire Archive and Record Service, Beverley [hereafter ERYARS], DDCC/144/33, Letters to Marianne Clifford Constable, Mary Lucy Clifford de S.S. Sacramento to Lady Clifford Constable, 1 November 1859.

⁵⁸ For mourning jewellery see A. L. Luthi, *Sentimental Jewellery: Antique Jewels of Love and Sorrow* (Princes Risborough, 1998).

Funerary jewellery had become increasingly popular between the seventeenth and nineteenth centuries, and during this period, its purpose changed. The *memento mori*, which reminded one to be fearful of death, became increasingly unfashionable. Instead jewellery increasingly remembered the dead; it was now *memento illius*, and could act as a 'vehicle of memory'.⁵⁹ The inclusion of the hair of the deceased within later eighteenth-century jewellery meant that the item acted as a 'substitute for the body'; hair, which during the life of a person is often considered dead, was considered to come alive after their death.⁶⁰ In the nineteenth century hair was believed to escape death, as the most 'delicate and lasting of our materials and survives us like love'.⁶¹ Jewellery and miniatures were not just simple objects. They had strong emotions, such as memory, reverence and awe, 'super-added' to them, and thus became powerful symbols of grief.⁶²

In some cases, the wearing of this jewellery could assert an elite woman's identity. The wearing of a miniature of a deceased child, for example, meant that the wearer was stating her relationship to the child and her role as a parent, grandparent or sibling. The miniature of the two Lascelles boys, Algernon and Alfred, sons of the third Earl and Countess of Harewood, appears to have been in use after their death in 1845, as the dates of their birth and death were engraved on the back of the piece; its survival indicates its importance as the last image of the boys. The wearing of a miniature could be a powerful statement if the death of the individual depicted had caused a shift of familial alliances; jewellery allowed people to align themselves with the dead. Following the death of Georgiana, the fifth Duchess of Devonshire in 1806, her widowed husband swiftly married his long term mistress, Lady Elizabeth Foster, who had not only borne him children while his wife was alive, but had shared their family home, wife, husband and mistress together. Georgiana's children were not welcoming of the public formalization of this relationship, as they were devoted to their mother, and wanted to protect her status. However, they were reluctant to snub openly their father, whom they seem to have respected; it was Elizabeth whom they disliked. So, they expressed their continued support of their deceased mother in subtle and nuanced ways. The eldest child, Georgiana, later sixth Countess of Carlisle, had acquired her mother's ring following her death, and was reluctant to part with it: 'I would not exchange mine for any – she wore it till her Death and I feel that I shall till mine'.⁶³ Also, among the collection of paintings at Chatsworth is one of Georgiana holding a miniature of her deceased mother.⁶⁴ She was portrayed as the loyal daughter, with such a strong devotion to her mother that she wanted to emphasize by providing a lasting image of her grief. The commissioning of the portrait expresses her strong desire to mark her individual and continued remembrance of her mother, and to ensure that all knew she had not and would not forget the 'true' fifth Duchess

⁵⁹ P. Ariés, *The Hour of Our Death*, trans. H. Weaver (Harmondsworth, 1981), pp. 461–2

⁶⁰ Hallam and Hockey, *Death, Memory and Material Culture*, p. 136.

⁶¹ Quoted from *Godey's Lady Book* (1860), in L. Taylor, *Mourning Dress. A Costume and Social History* (London, 1983), p. 243.

⁶² This argument is developed in M. Pointon, 'Materializing mourning: hair, jewellery and the body', in *Material Memories*, ed. M. Kwint, C. Breward and J. Aynsely (Oxford, 1999), p. 43.

⁶³ Devonshire MSS, Letters of the fifth Duke of Devonshire, 1889, Georgiana Morpeth to Lord Hartington, n.d. (after 30 March 1806). It appears that she did indeed wear the ring until her own death.

⁶⁴ A. Foreman, *Georgiana's World. The Illustrated Georgiana, Duchess of Devonshire* (London, 2001), p. 239.

of Devonshire. There were also numerous mourning bracelets and rings created following the death of the Duchess, a number of which Georgiana kept until her own death. Many of these items included the hair of the Duchess, and Georgiana clearly attached a great deal of value to them, as they were among the items she bequeathed in the various editions of her will.⁶⁵ Mourning jewellery of all types acted to sustain the relationships with the deceased, and could do so across many generations, as Lady Carlisle's bequests would have allowed.⁶⁶ The wearer of such items continued to be linked with both the actual body, through the hair, and the idealized memory of the deceased, thus emphasising their own links to their ancestors, and their dynastic identity.

COMMEMORATION

It was not only through bereavement, mourning and grieving that new identities could be formed. In death, the deceased's own identity could be reshaped, and through commemoration, reinvented. While the dying and deceased may have attempted some influence with regards to any posthumous makeover, it was the living that had full control over the nature of any re-evaluation. For elite women, their new identity usually fulfilled social ideals of 'aristocratic femininity' and so focused on advancing the status of the living rather than that of the dead. One could claim reflected glory from the assets of a deceased relative to ensure the quality of a pedigree was upheld and the ideals of the family secured. As the purity of female relatives had special currency among elites, and the need to ensure that blood lines were not sullied by illegitimacy, qualities such as chastity and monogamous femininity were especially praised.

Following a death, the person's documentary history and lasting identity could be reshaped. In large country houses with muniment rooms it was usual practice for aristocrats to keep letters that they had received and even copies of those they had sent. These along with diaries and other writings provided the family, and historians, with a lasting record of the deceased's actions and, in some cases, their thoughts. It was common for family members to sort these letters in the months and years following a death. Following the death of Isabella Arundell in 1839, her husband, Henry, faced a struggle to keep control of her personal effects. Her sister-in-law, Lady Marianne Clifford Constable, had requested many items for herself, which had distressed him, leading him declare that 'upon reflection she [Marianne] must be aware that what would be dear to her as a friend must be infinitely more so to me as a husband'.⁶⁷ He was keen to keep control of the memory of his wife, and so burnt her letters. However, he did keep her journals and sketches: 'I have, as is natural, held them most sacred, they contain almost the history of her too much valued life ever to be in the possession of any other person than myself'.⁶⁸ The words and images of the deceased could be emotive reminders to the bereaved, and so there was great concern to ensure that they were properly managed, and reluctance to part with significant items. The majority of the letters of Isabella, fourth Countess of Carlisle, that survive today are not the originals, but a copy book of letters

⁶⁵ A5/166, Probate of the will and codicil of the Rt Hon. Georgiana Dorothy Countess of Carlisle, 15 June 1859; Carlisle MSS, J18/63, Memos about health, Park Street, 6 June 1817.

⁶⁶ Hallam and Hockey, *Death, Memory and Material Culture*, pp. 140–1.

⁶⁷ Brynmor Jones Library, Charles Chichester MSS, DDCH/36, Letters to and from Mary Barbara Chichester, Henry Arundell to Mary B. Chichester, 26 August 1831.

⁶⁸ *Ibid*

written up by her youngest daughter, Julia Howard (1750–1849). Isabella had lived a life which fell outside the expectations of aristocratic femininity. Following the death of her first husband, the fourth Earl of Carlisle, she swiftly remarried, was then separated from her new husband, and was involved in subsequent affairs during her self imposed exile in France.⁶⁹ It appears that Julia may have felt that she needed to help improve her mother's image, and so selected those letters that reflected the idealized virtues that Isabella wrote about in her *Maxims*.⁷⁰ This didactic text set out strict rules of behaviour for young elite women, who were told to respect their husbands, and to present to wider society an idealized image of domestic harmony and feminine virtue. It is unclear when the book of letters was written up, but it was probably after the death of Isabella in January 1795.⁷¹ The letters stress the aging Isabella's enjoyment of mature virtuous activities such as sewing, walking and quiet contemplation. They provide Isabella with the distinctly virtuous identity that her own activities had undermined, but which could be posthumously regained. In some cases the sorting of documents was continued by later generations of the family who had not even known the deceased; the collection at Chatsworth appears to have been sorted during the Victorian period, and many of the letters of Georgiana, fifth Duchess of Devonshire, were edited with thick black lines.⁷² Even those women who took care to control and edit their own collection of papers in their later years may have fallen foul of this later management.⁷³ This is not to say that all letters containing personal intimacies were destroyed; a number of letters in which the writer had included 'burn this letter' as a postscript survive.⁷⁴ By editing and destroying the letters of the dead, the living family could ensure that the image of the deceased matched the family's ideals, and that the quality of the dynasty was not threatened.

A more public and lasting way that the identity of elites was shaped after their death was in their commemoration. Obituaries, epitaphs and memorials in the form of monuments or mausolea all offered was to record the 'nature' of the deceased in a lasting and public way. These provided the opportunity to highlight the role that an individual had played within their family, and to confirm their position within the dynasty. The celebration of women's lives was normally shaped by their domestic duties, and their role as mothers and their feminine attributes were especially highlighted. Women's inclusion within the dynastic monuments of the families, especially the mausolea, meant that their roles and position within the pedigree were celebrated too. The ways that women were represented following their death can be seen as asserting their femininity and aristocratic status, which were not only celebrated, but confirmed and assured for future prosperity.

⁶⁹ For a further discussion of Isabella's life see: C. Ridgway, 'Isabella, fourth Countess of Carlisle: No Life by Halves', in *Maids & Mistresses, Celebrating 300 Years of Women and the Yorkshire Country House*, ed. R. M. Larsen (York, 2004), pp. 35–52; W. H. Smith, *Originals Abroad. The Foreign Careers of Some Eighteenth-century Britons* (New Haven, Conn., 1952), pp. 91–114.

⁷⁰ I. Carlisle, *Thoughts in the Form of Maxims Addressed to Young Ladies on Their First Establishment in the World* (Dublin, 1790).

⁷¹ Carlisle MSS, J13/1/3, Copy books of letters to Julia Howard from Isabella Carlisle, 1771–2.

⁷² A. Foreman, *Georgiana, Duchess of Devonshire* (London, 1998), p. xv.

⁷³ At the start of the twentieth century Rosalind, ninth Countess of Carlisle appears to have managed and shaped her own archives at Castle Howard. Among the items included were rather intimate drawings of her by her husband, who was an artist – Dr Christopher Ridgway, curator at Castle Howard, pers. comm.

⁷⁴ E.g. Devonshire MSS, Letters of the fifth Duke of Devonshire, 1890, Georgiana Morpeth to Lord Hartington, 10 April 1806.

Stephen Howard's study of the representation of women in the printed media of the eighteenth century illustrates the importance placed on domestic values in women's biographies and obituaries. As obituaries, although anonymous, were usually written by a relative of the deceased, familial and dynastic concerns were often central in the published piece.⁷⁵ The female subject was often portrayed as a moral exemplar, and the general agreement within society regarding those qualities which deserved commendation meant that obituaries rarely showed signs of individuality. Central themes and merits appeared including the subject's devoutness; her purity of heart and body; her sweetness and kindness to family and strangers; her compassion; and, in her difficulties, fortitude and resignation. Familial relationships were, for many women, the principal means by which their lives were defined, and this was especially true for aristocrats whose main duties were usually, both in practice and in perception, based around the support and enhancement of their family. A week after the 1859 death of Eliza Chichester at Burton Constable, an announcement was placed in the local newspaper. It noted that she had died following a long illness: 'borne with greatest patience and cheerfulness ... [the] loss to her sorrowing sister Lady Clifford Constable, and all their friends which had the happiness of knowing her is irreparable'.⁷⁶ Eliza was a single woman living with her sister and her family, and so Eliza's relations with her sister and friends were her main familial activities, for which she was duly praised.

The importance of dynasty can also be seen in the burial practices. Members of the aristocratic family were often interred together in family tombs within churches; for example the Harewoods used the Lascelles crypt under All Saints Church at Harewood, and the Irwins were buried in Whitkirk Church near Temple Newsam. Other families chose to build their own burial monuments, such as a mausoleum, as can be found at Castle Howard for the Carlises and, for the Burton Constable family, at Halsham, East Yorkshire. The mausoleum at Castle Howard reflects a novel approach in the third Earl's determination to confirm the family's status through the celebration of past lives, as it is reputedly the first of such monuments to be associated with a country house in Britain.⁷⁷ Its design indicates the importance of the mausoleum as a way of protecting and promoting the family's reputation. Its base is a series of curved retaining walls, with niches set between square bastions, thus giving the effect of a fortress, indicating both its symbolic importance and that the members of the family were still safeguarded even after death. By placing the mausoleum at Castle Howard in the estate grounds it served the dual purpose of burial place and ornament. The interior of the building was described as being 'as noble a space as it is possible to conceive', and the whole package can be seen as an assertion of the family's aristocratic status.⁷⁸

⁷⁵ S. Howard, "A bright pattern to all her sex": representations of women in periodical and newspaper biography', in *Gender in Eighteenth-Century England: Roles, Representations and Responsibilities*, ed. H. Barker and E. Chalus (London, 1997), p. 232. For epitaphs and gender see M. Vovelle, 'A century and half of American epitaphs (1660–1813) – toward the study of collective attitudes about death', *Comparative Studies in Society and History* 22 (1980), 534–47.

⁷⁶ ERYARS, DDCC(2)/45A/15, *Hull Advertiser*, 29 October 1859.

⁷⁷ J. S. Curl, *A Celebration of Death. An Introduction to Some of the Buildings, Monuments, and Settings of Funerary Architecture in the Western European Tradition*, Revised Edition (London, 1993), p. 179. For a full discussion of the conception and building of the Castle Howard mausoleum see Saumarez Smith, *The Building of Castle Howard*, ch. 6.

⁷⁸ Curl, *A Celebration of Death*, pp. 179–80.

Mausolea and vaults allowed families to be brought together after death; bodies would be transported back from abroad to be buried with their relatives. The burial of family members at a single location meant that the importance of dynasty during life continued after death, as they were to be continually recalled as part of the pedigree, not as individuals. Inclusion in the mausoleum would highlight that person's position as part of the family, although there can be surprising inclusions and absences. Servants were not normally buried with the family, but Nanny Dowler, the long serving nurse from Burton Constable, was buried in their mausoleum, indicating her importance to the family.⁷⁹ Those who married would often be included in their marital family's plot: at Castle Howard a great many of the children were not interred in the monument, including the unmarried Julia Howard who had lived at the house for most of her ninety-nine years.⁸⁰ A private building also allowed a family to manage their own burial space. Unlike a public church they had control over who was buried there, and so the dynastic purity of the family could be protected. When the mausoleum at Halsham was completed in 1802, all the bodies from the family vault in the parish church were moved into the new building, except for that of one member of the Constable family who had squandered estate finances on racing whippets.⁸¹

Individuals could also be celebrated by their own memorial monuments. During the eighteenth and nineteenth centuries, these monuments became increasingly popular, and there was a growth in the number dedicated to women and children. They were often designed to mark the role of women as wives and mothers, thus reflecting the continued celebration of the ideals of aristocratic femininity after death.⁸² During the early modern period, memorial monuments often presented the image of the family mourning the deceased together, with the children often shown as miniature kneeling figures around the tomb.⁸³ Although the image of the family continued, it became less formal and more affectionate in nature as generic mourning figures were replaced by weeping mothers. These monuments allowed individual expressions of grief; mourning was too formal to allow real woe to be shown, but monuments offered a public medium for the articulation of personal sorrow.⁸⁴

The monuments often used similar language to those found in the printed obituaries, using the same discourse of aristocratic feminine virtue. The relationship between these two forms of commemoration is most notable on the monument of Lora Burton Dawnay, fourth Viscountess Downe, in York Minster. The monument instructs viewers that 'for her character and other particulars see the Gentleman's Magazine for May MDCCCXII'. The tablet was erected by her son in 1836, many years after her death, aged 72, in April 1812, and

⁷⁹ Geradine Mulcahy, pers. comm.

⁸⁰ Many thanks to the Hon. Simon Howard for allowing me to explore the Castle Howard mausoleum. Julia was buried in London.

⁸¹ N. B. Penny, *Church Monuments in Romantic England* (London, 1977), p. 58.

⁸² N. B. Penny, 'English monuments to women who died in childbed between 1780–1835', *Journal of the Warburg and Courtauld Institutes* 38 (1975), 314; J. W. Hurtig, 'Death in childbirth: seventeenth-century English tombs and their place in contemporary thought', *The Art Bulletin* 65 (1983), *passim*.

⁸³ See, for example, H. Zerek-Kleszcz, 'The death of a child in old Polish culture', *Acta Poloniae Historica* 79 (1999), 7.

⁸⁴ D. Irwin, 'Sentiment and antiquity: European tombs 1750–1830', in *Mirrors of Mortality. Studies in the Social History of Death*, ed. J. Whaley (London, 1981), pp. 144–5; Ariès, *The Hour of Our Death*, p. 327.

clearly recognized the published obituary as the best record of Lady Downe's life. A short extract from it was included on the monument, which noted, among other characteristics that she had:

a real, unpretending, and almost unconscious, good sense, and a firm desire to act right, on all occasions, to the best of her judgment were her most distinguishing characteristics. Activity of mind and body, sound health, cheerful manners, the open confidence of an honest mind, the lively serenity of an easy conscience, with a benevolent disposition, and hereditary personal graces, both of form and face, which even in age had not disappeared, complete her picture.

This description of Lady Downe illustrates both her aristocratic and feminine qualities, as her conscience and good sense were enhanced by her inherited beauty. The monument also stresses how she died in the presence of her children and 'faithful attendants', illustrating her success as both an elite employer and domestic mother. By arranging for a tablet to be placed in York Minster, although she was buried at Snaith, her family's desire to assert her status is stressed by celebrating her life in the most important church in Yorkshire.

Two monuments to women who grew up in Castle Howard also celebrate their domestic and feminine qualities. After the death in 1825 of Elizabeth, fifth Duchess of Rutland, daughter of the fifth Earl of Carlisle, her husband arranged for a mausoleum to be built and dedicated to her memory on the Belvoir Castle estate. Although the remains of other Rutland ancestors were moved into the building, it was clearly conceived as a shrine to Elizabeth, shaped by the sentiments of a grieving husband. Within the mausoleum is a figure of the Duchess, ascending to heaven, her outstretched arms greeting the angelic figures of the four children who predeceased her.⁸⁵ The celebration of Elizabeth's maternal virtues reflects the importance placed on the dynastic role that she played in the Rutland family, and asserted her merits. These themes can also be found on the monument to Lady Elizabeth Lechmere, daughter of the third Earl of Carlisle and one of the three Howard sisters discussed above. Located at Westminster Abbey, near the then fashionable 'Poet's Corner', it highlights her feminine qualities and her husband's lasting devotion to her. It was erected more than thirty-five years after her 1739 death, and was paid for by the will of her widowed second husband, Sir Thomas Robinson, who died in 1775. The epitaph records that the monument was erected to perpetuate her husband's:

gratifying sense of pleasure he had in the Conversation of an accomplished Woman, a sincere friend, and an agreeable Companion, with particular direction that his own bust should be placed by hers.

Robinson's decision to include payment for a memorial for his wife in his will shows how he must have endured a continuing attachment to her, even many years after her death. His description of Elizabeth as 'accomplished' and a friend shows the companionate nature of their relationship, which he was pleased to celebrate publicly by placing the monument in a high profile area of Westminster Abbey.

Both these monuments celebrate the feminine qualities and domestic lives of the women, although the different time periods do reflect different emphases in the epitaphs, with the celebration of intellect and the inclusion of moral warning becoming less common in the

⁸⁵ Penny, *Church Monuments*, pp. 56–7.

nineteenth century. However, while they portrayed the deceased as persons of elite virtue, the actions and natures of the women did not necessarily justify such proclamations. In both obituaries and epitaphs the more dubious elements of a woman's life were usually ignored or described with sympathy but with a caveat that their downfall should be reminder to all about the importance of a morally sound life.⁸⁶ Elizabeth, Duchess of Rutland, was known as the 'proudest woman in England' whose abrupt and unfriendly manner to her less well-connected Howard siblings caused her father, the fifth Earl of Carlisle, much sorrow, especially when her brothers suffered from her 'unsister like coldness' following the death of their mother, the Earl's wife.⁸⁷ Although portrayed as a loving mother to the children who had predeceased her, her relations with the children who had reached maturity were on occasions difficult. After Elizabeth's death, her sister Julia Howard noted that 'the innocence of her conduct I was always convinced of. She cancelled so much of the excellence of it, which has now appeared'.⁸⁸ Julia felt obliged to overlook the Duchess real nature, and seek at least some evidence of virtue. Elizabeth Lechmere likewise did not lead a virtuous life, and if the monument had been erected immediately following her death it would have almost certainly have caused much surprise in London, where she caused scandal due to her drinking, gambling and attempted suicide. With the passing of time, her husband hoped to reclaim her reputation. These monuments can therefore be seen as the continued construction of the feminine identity, the final performance of aristocratic domestic virtue.

Encounters by elite women with the death of one close to them could have a significant impact on their lives, and may have reshaped their identity. In widowhood, a woman entered a new stage of her life which may have given her independence and freedom to lead her marital family, as Frances, Viscountess Irwin did. In contrast, it may have meant that a woman had to return to her natal family, and that her new identity was more that of an elite single woman rather than of a dynastic matriarch. In mourning and its associated cultures, women could assert their links with the deceased and the bereaved through the wearing of mourning dress, jewellery, or the sending of condolence letters. It was in the commemoration of the deceased, though, that an elite woman's identity was most likely to be reshaped. The public declaration of femininity, dynastic loyalty, and familial affection through monuments and obituaries ensured the lasting status of the deceased, and closely associated them with elite feminine qualities beyond their lives and into perpetuity. The importance of aristocratic femininity was so strong that many years after a death, relatives would erect monuments to express and reclaim the deceased's virtues. Death provided the living with an opportunity to re-form alliances, re-state affection, and re-write histories. The identity of the deceased could be negotiated and previous failings forgotten. While for the deceased, death may have been the great leveller, for the living, its effects and responses were distinctly aristocratic.

⁸⁶ Howard, "A bright pattern to all her sex", pp. 236–7.

⁸⁷ Lewis, *In the Family Way*, pp. 29, 53–4; Carlisle MSS, J14/1/72, Frederick Carlisle to his daughter, Elizabeth Rutland, Belvoir Castle [1824]. For a more flattering view of Elizabeth see R. Baird, *Mistress of the House. Great Ladies and Grand Houses* (London, 2003), pp. 258–83.

⁸⁸ Carlisle MSS, J18/50, Julia Howard, The Priory, to Georgiana Carlisle, 20 December [1825].

AN EPISODE IN THE CAREER OF JOHN HUSTLER

By Peter Holmes

The discovery of a digest of the accounts of the partnership of John Hustler and Thomas Hardcastle, colliers and coal-merchants, which was in business from 1781 to 1806, shows how Yorkshire entrepreneurs played a crucial role in the development of coal-mining in Lancashire. Having helped in the creation of the Leeds and Liverpool Canal, the two Bradford businessmen set up a successful company in conjunction with John Wright, a prominent London banker, which mined coal in the Orrell area and sent it by the canal, in boats belonging to the partnership, to Liverpool where Hardcastle based himself as a coal-merchant. The accounts furnish evidence for the nature and scale of the business and its profitability. Further information about the partners and their families is also provided from wills and vital records.

The pivotal role of Yorkshireman, John Hustler (1715–1790) in the development of the Industrial Revolution is well established. As a woolstapler he played a significant part in the growth of Bradford's worsted trade. He was, in the quarter century before his death, one of the town's leading inhabitants and was responsible with others for building the Piece Hall and other public buildings. In addition, as a philanthropic Quaker, he played an important part in the development of that sect, the social, political and economic role of which on a national scale can hardly be exaggerated. It was above all as one of the promoters of the 'Grand Canal' linking Leeds and Liverpool that he is best remembered. Even if in its inception the project was not his responsibility, and even if he died well before it was completed, it can hardly be doubted that he was the most important single figure in the development of the canal. What was remarkable about Hustler was his willingness to play a role nationally in the promotion of both the canal and the wool trade, lobbying parliament, writing pamphlets and using the newspaper press to promote business with a sort of religious fervour.

John Hustler is generally called a woolstapler, and this description is the one he preferred himself. This seems fitting in view of his close connection with Bradford, the developing centre of the Yorkshire wool trade. But recent research has also emphasised that he, in company with another Bradford entrepreneur, Thomas Hardcastle, played a significant part in the growth of the Lancashire coal industry, especially in the area close to Wigan and centring on Orrell. Thus Hustler, from Bradford, extended his geographic reach over the border with Lancashire and also diversified into a new industrial sphere. It is with this aspect of his career that this paper is concerned.¹

¹ Gary Firth, *Bradford and the Industrial Revolution* (Halifax, 1990), pp.60, 81–5, 143–6; Charles Hadfield and G. Biddle, *The Canals of North West England*. Vol. I (Newton Abbott, 1970), pp.60–82; D. Anderson, *The Orrell Coalfield, Lancashire 1740–1850* (Stoke-on-Trent, 1975), pp.21–45, 186–90; John Langton, *Geographical change and the Industrial Revolution: Coalmining in South West Lancashire, 1590–1799* (Cambridge, 1979), esp. chap.7.

THE ACCOUNTS OF HUSTLER, HARDCASTLE & CO.

The discovery of a digest of the accounts of Hustler, Hardcastle & Co. in their business as master colliers and coal-merchants helps provide more detail about this aspect of Hustler's career.² It shows how important contacts with other businessmen like Hardcastle were and how transport, investment and entrepreneurship came together to provide a solid framework for industrial development. The accounts are contained in a small book, measuring 11 cm. by 18 cm., and bound in vellum. The binder's label on the corner of the first page reads: 'W. H. HYDE, Bookseller, Newcastle'. The book is 270 pages long, with 125 of the pages containing accounts. On the inside front-page is written: 'Copies of Extracts taken/ from the Books of Accounts/ of the late Firm of Hustler Hardcastle & Co./ Decr. 1830./ N. N. Bailey'. The book was clearly used very briefly at some later stage to record on two pages some costs associated with an ironmonger's shop, and this may explain the inscription on the vellum cover of the book which reads: 'Mr Thomas Wilder's/ Book Stone[?] St./ Chelse[a?] 1866'.

The account book consists of three principal elements, presented in double-entry format. First, the accounts of 'trading concerns at Liverpool', which cover the years 1781–1789, and are divided into a 'Profit and Loss' account (pp.1–18) and then an incomplete summary of the 'Nett Estate' in these years (pp.19–31). Second, the same format and years are covered by the accounts of the 'Colliery Concerns' (pp.35–50; 51–68). Third, there are three accounts showing the state of the investment of the three partners in the firm: John Hustler in Bradford, covering the years 1780 to 1790, continued in the name of William Hustler from 1791 to 1810, with references to a John Hustler in 1807 and 1808 (pp.73–86). The next statement covers the investment of Thomas Hardcastle, with no geographical location given, from 1782 to 1789, with reference to his executors from 1791 to 1810 (pp.87–98). Finally, a statement of the account of John Wright in London, from 1782–1801, with his executors referred to from 1802 to 1810 (pp.99–110). In addition to these three elements the accounts also contain some summaries which probably show why they were drawn up: there is 'An account of Sundries forming the Nett Estate of the Colliery Concerns on the 31st of December 1788' and a corresponding account of 'Debts owing by the Collieries to Sundry Persons' at that date. The profit and loss down to 5 July 1789 is then added into the sum of these two accounts (pp.69–72). Later in the book there is a 'Statement of the Amount of the personal Estate and Effects of Thomas Hardcastle on the 6th July 1789' (pp.116–7), which is to be linked to 'An account of Monies received by Mrs Mary Hardcastle as Executor of Thomas Hardcastle from the Partnership of Hustler Hardcastle & Co. subsequent to the 6th of July 1789' (p.123). There is also a 'Statement showing the value of the Colliery Engines, Implements, Coals ungotten, Drowned Coals and sundry other effects belonging to Hustler Hardcastle & Co. on the 20th day of September 1806 when the Copartnership expired' (pp.118–20). Hence it looks as if the executors of the will of Thomas Hardcastle, or those acting on their behalf, had the accounts drawn up to ensure that on the dissolution of the partnership there was an equitable division of the funds. The accounts as they stand were clearly drawn from more detailed records, and there are a number of references to the

² The present author purchased the account book at the Castle Bookshop, Colchester in about 1990; a photocopy of the accounts is deposited in the Archives of the Yorkshire Archaeological Society.

Ledger and the Journal, which would undoubtedly have contained a fuller financial statement.

JOHN HUSTLER AND HIS DESCENDANTS

It is safe to conclude from the dates drawn from the account book and given above that the partnership between Hustler, Hardcastle and Wright started in 1781, that it continued until 1806, despite the deaths of all the original partners, and was finally dissolved, after four years of winding-up, in 1810. It is also reasonable to deduce from the accounts that the three partners contributed an equal share to the investment in the business, and it seems (though this is less clear) that the initial share was £2,900 each.³ Essentially, Hustler and Hardcastle were the executive force in the company, with Hustler perhaps the senior figure and with Wright, as far as one can see, a sleeping partner. To judge by the accounts, Hustler had already begun operations at least three years before the other two partners formally joined the business; and from other sources we know Hustler and Hardcastle were both involved in coal in the Wigan area from 1774–75. It is also known from other sources that Hustler and Hardcastle were prominent from as early as 1766 in the projection of plans to develop the Leeds and Liverpool Canal, and that this was the reason for their involvement in the Lancashire coalfield. They were significant figures in raising the capital for, and in working to smooth the passage of, the canal, establishing contacts with men in Lancashire for this purpose.⁴

Initially, the best chance of making money from the canal was likely to come from taking coals from the Lancashire collieries to Liverpool, and it was important to ensure that the part of the canal which would make this link was opened quickly. In this enterprise Hustler and Hardcastle worked closely with the Wigan landowner and lawyer, Holt Leigh, and his father Alexander Leigh. The Leigh family had played a major part in developing the Douglas Navigation earlier in the century and Hustler was able in 1771 to persuade Alexander Leigh to sell the majority share holding he held in the Douglas to the proprietors of the Leeds and Liverpool Canal.⁵ The accounts record several payments to the 'Douglas estate', which are presumably to be interpreted as evidence of a continued separate financial existence of the

³ The opening balance in the individual account of each shareholder is almost exactly £2,900 in the case of Hustler and Hardcastle, and £2,600 in the case of Wright. But Wright's share may have been adjusted later. See below for the withdrawals on account of each of the share-holders, which run very close together; moreover, Hardcastle's share is always given as a third share.

⁴ See Firth, *Bradford*; Anderson, *Orrell Coalfield*; Langton, *Geographical change*, cf. Arthur Raistrick, *Quakers in Science and Industry* (Newton Abbott, 1968), pp.78–80, 185, 216, 297–8, 329; H. R. Hodgson, *The Society of Friends in Bradford* (Bradford, 1926), pp.38–43; Wade Hustwick, 'An Eighteenth Century Wool-Stapler', *Journal of the Bradford Textile Society* (Bradford, 1956–7), 117–25; Gary Firth, 'John Hustler', *Oxford Dictionary of National Biography*.

⁵ Hadfield and Biddle, *Canals of North West England*, pp.64–5; J. R. Harris, 'Liverpool Canal Controversies 1769–1772', *Journal of Transport History* II (May, 1956), 158–74; H. F. Killick, 'Notes on the Early History of the Leeds and Liverpool Canal', *Bradford Antiquary*, n.s. I (1900), 169–238; Mike Clark, *The Leeds and Liverpool Canal* (Preston, 1990), esp. chaps 2 and 3. On the Leigh family, see John Langton, 'Alexander Leigh', *Oxford Dictionary of National Biography*; G.A. Knight, 'Catalogue of Holt Leigh Estate Title Deeds,' Wigan 1971, typescript, National Register of Archives A500.1857.

Douglas Canal even after this take-over. Thus, in 1785 a payment of £40 6s. to the Douglas estate is recorded, and payments of £25 in 1786 and 1788 and of £24 16s. in 1787 (pp.41, 43, 45, 47). In 1789 a payment of £60 from the Douglas Estate is found rather curiously on the profit side of the account (p.50). These sums look like tolls paid by Hustler and Hardcastle, or possibly a rental for some use of landing-rights on the Douglas. The successful alliance forged between the men of Yorkshire (Hustler and Hardcastle in the lead) and the Leighs destroyed the efforts of a group of Liverpool merchants to undermine the Leeds and Liverpool development by building a rival canal from Wigan to Liverpool. Once the main share-holding in the Douglas Canal had been bought, and the Leighs, together with others in the locality of Wigan, had been persuaded to support the Leeds and Liverpool Canal, the merchants in Liverpool had no choice but to co-operate with Hustler. Far-sighted Liverpool merchants like the Blundells then moved to the Wigan area to take advantage of the opportunities presented by the opening up of markets to Wigan coal; the development of Blundell's collieries was to have many parallels with the development of Hustler's. Other prominent investors from both Bradford and Liverpool were also attracted to the area as time went by; for example, one John Jarratt, gent., whom I take to be the collier from Bradford who was to lay the foundation, with others (including John Lofthouse of Liverpool, himself an investor in the Wigan Coalfield), of the great Low Moor Ironworks. It is interesting to see Lofthouse being drawn across the Pennines in the same way that Hustler, Hardcastle and Jarratt were, but in the opposite direction.⁶

The Leighs owned a great deal of the coal in the Orrell area and it was certainly from them that Hustler and Hardcastle obtained the majority of their colliery leases. But the first lease taken by Hustler was in 1774 when he and the surveyor on the Leeds and Liverpool Canal, John Longbothom, leased the Orrell Four Feet Seam in part of Charles Prescott's Ayrefield estate in Up Holland. The Prescotts were landowners in the area who had been involved in coal mining for many years. This lease I take to be the origin of the Ayrefield colliery, one of the three collieries mentioned in the accounts. The accounts make references to the Rev Charles Prescott, the most significant of which records a debt of £247 5s. 7d. owed to Prescott on 31 December 1788 by the collieries, and which may constitute his rent (p.70). In 1775 Hustler, Hardcastle, John Longbothom, and John Chadwick, ironmaster of Burgh (a relative of the Leighs, and from a family associated with mining in the area for some time), had taken a lease from Holt Leigh on the Dean colliery to work the Four Feet Seam and what was left of the Five Feet Seam. In 1776 Hustler, Hardcastle and Chadwick leased what is called the Orrell colliery in the accounts, also from Leigh for a period of thirty years, having taken over the lease from Longbothom who had originally taken it the previous year but was now in financial difficulties.⁷ According to Anderson, the 'certain' rent agreed for the Dean and Orrell collieries at first was £500, which increased to £900 in 1788, to £1,000 in 1791 and £2,500 in 1801. In addition there were 'mine rents' to be paid for each of the two seams (Four Feet and Five Feet) mined at a designated sum per acre.⁸ The account book does not corroborate these sums but it does contain some enigmatic references to Holt Leigh in

⁶ Langton, *Geographical Change*, p.223 & appendix 2; W. E. Preston, 'Some Notes on an Old Bradford Partnership', *Bradford Antiquary*, n.s. 3 (1912), 316.

⁷ Anderson, *Orrell Coalfield*, pp.186-7.

⁸ Anderson, *Orrell Coalfield*, p.187.

connection with the transfer of large sums of money. Thus in the 'Nett Estate' of the colliery concerns in 1783 (pp.53-4) there is a record of a debt owing to Holt Leigh of £1,172 16s. 1d., and in the opposite column a debt owed by Holt Leigh of £1,553 15s. 10d. Similarly in 1785 (pp.57-8) we find 'To Holt Leigh Esqr, transferred' £215 19s. 4¼d. and 'To H. Leigh Esqr, Acct, for Sundries as pr Journal' £1,710 1s. 1d.; and also on the other side of the balance sheet 'By Holt Leigh Esqr, Acct, for Sundries as P Journal' £1,158 11s. 3d. These entries, whatever they mean precisely, clearly corroborate the general point that there was a close financial association between Leigh and the firm.

Thus, after 1776, Hustler, Hardcastle and Chadwick ran the collieries until in 1780 Chadwick died, and his widow wished to disengage herself from the business. Clearly, with Chadwick gone, Hustler and Hardcastle wished to find a new investor, and this they did in the shape of John Wright. There is other evidence that financial support was needed at this point. A letter survives written by Hustler to Leigh in 1779 in which Hustler asks the colliery-owner for credit because he cannot find the full sum he owes him.⁹ In 1781 Hustler mortgaged twenty-seven shares in the Leeds and Liverpool Canal and one in the Bradford Canal with the London Quaker bankers, Daniel Mildred and Jonathan Hoare. Thus Hustler was mortgaging shares in the canal in order to finance an investment in his coal business which would use the canal for transport, thus ensuring the dividend on the shares. Hustler was demonstrating his faith in his pet project, the Leeds and Liverpool Canal, in a very real way. It has been suggested that this mortgage may have been connected with his purchase at this time of Undercliffe House in Bradford, but it must also have been linked to his investment in the collieries.¹⁰ It is also worth reflecting that 1781 was a good year in which to make such an investment, since the English economy was in bad shape but an astute investor might see that, with the American War of Independence coming to a close, the chances of future economic growth were high and that an Atlantic port like Liverpool might well benefit from this peace. So, by 1781 the partnership between Hustler, Hardcastle and Wright had been established, with the three collieries mentioned in the account book, at Ayrefield, Dean and Orrell, and the coal-merchanting business in Liverpool.

While Hustler, living in Bradford, certainly knew something about coal, he was a woolstapler by trade and his career aptly demonstrates the point often made about entrepreneurs, that what they needed was not specialist knowledge but a head for business and a willingness to adapt. It is difficult to envisage how the colliery operations were run but it seems likely that the Wigan end of things was more in the hands of Hustler than Hardcastle. Whether Hustler actually stayed there for long periods is unclear, but he was close enough at Undercliffe House, Bradford, to be there in a day, and it seems likely that he would have visited Wigan reasonably frequently. Hustler's will, made in 1790, suggests that he was still actively involved as a woolstapler in business with Edmund Peckover, but it may be that his son, William (and less probably his younger son John also), were already helping him in this trade and indeed may also have worked in the management of the collieries too.¹¹

⁹ Anderson, *Orrell Coalfield*, p.188.

¹⁰ J. R. Ward, *The Finance of Canal Building in Eighteenth Century England* (Cambridge, 1974), p.110.

¹¹ B[orthwick] I[nstitute for Archives, York], Will of John Hustler of Undercliffe, Bradford, merchant, made 26/7/1790, passed York 22/1/1791.

Certainly, some of his descendants did set up house in Orrell, although they continued through the first half of the nineteenth century to be based also in Yorkshire. But there was almost certainly a permanent local figure employed to manage the colliery too: William Robinson, engineer of Ayrefield House, Up Holland, is known to have been Hustler's manager in the 1790s.¹² The accounts also show a payment of £224 to J. Blundell & Son made on 1 October 1809, as the 'amount of the value of coals gotten' (p.120). This suggests that at this point another prominent master collier, Jonathan Blundell, was acting as a subcontractor in one of Hustler and Hardcastle's collieries.¹³ John Hustler's management was certainly not lacking at the strategic level, though. In 1784 we find him supporting the creation of a committee set up in Bradford under Abraham Balme to oppose the proposals made by Pitt the Younger to introduce a tax on coal: 'no pains ought to be saved that may be used in the least degree to defeat it', Hustler wrote in a letter to John Hardy, the Bradford attorney who was also a master-collier and entrepreneur, and an associate of John Jarratt. The pressure brought to bear by Balme, Hardy, Hustler and their supporters was sufficient to get this senseless proposal for a tax removed.¹⁴ It is interesting to see Hustler uniting the Lancashire and Yorkshire coal interest in fighting in a common cause to defend their industry.

Holt Leigh and his son, the eccentric Sir Robert Holt Leigh, Bart., had such a high regard for John Hustler's integrity and acumen that after Hustler's death Sir Robert is said to have refused to give the lease on his coalmines to anyone who did not have the surname Hustler – his judgement presumably reflecting Leigh family tradition.¹⁵ The opportunity to put this loyalty to the test had come soon enough, for John Hustler died in 1790 and the management of the business then passed to William (1766–1801), his son by his second wife, Christiana Hird. John's will mentioned his widow, three children by his second wife besides William (Sarah, John and Anna) and two daughters (Hannah Hustler and Jane Fisher, wife of William Fisher of Leeds, merchant) by his first wife, whom I would identify as Tabitha Grimshaw.¹⁶ In the will John left a total of twenty shares in the Leeds and Liverpool Canal, which he valued at £150 each, and the interest on which he said was 4 per cent. He specifically mentioned also 'the colliery in Lancashire in which I am engaged along with John Wright of London banker and Mary Hardcastle widow'; this suggests that he held at that point no further colliery leases apart from those in which he was engaged with these partners. By his will his share in the colliery was to be run for a further three years by his executors (his wife, Christiana, and elder son, William), in order to fund his various legacies, and then to be given to William. William was to admit John, the younger son, who had himself received

¹² Anderson, *Orrell Coalfield*, p.191.

¹³ On the Blundells see D. Anderson, 'Blundell's Collieries, the Progress of the Business', *Transactions of the Historical Society of Lancashire and Cheshire*, vol. 116 (1964), 69ff.

¹⁴ Gary Firth, 'Roles of a West Riding Land Steward 1773–1803', *YAJ*, vol. 51 (1979), 111.

¹⁵ John Maffey, 'On Some of the Decayed Families of Bradford,' *Bradford Antiquary*, vol. I (1888), 26–32.

¹⁶ BI, Will of John Hustler. F[riends] M[eeting] H[ouse Library, Euston Road, London], Records of births, marriages and deaths of the Society of Friends. The FMH also holds typescript biographies of the Hustler family among the biographical collections. The existence, and identity, of Hustler's first wife, which is clear from his will and from the records of marriages, is nowhere mentioned in the literature on Hustler.

substantial cash legacies from his father, to a third of the Hustler share in the colliery and a third of the wool trade conducted with Edmund Peckover, in return for a payment of a third of the value of the businesses. Hustler's will also directed his wife and son to 'keep up the credit and name of the family' and to 'keep the same hospitable house that I have done'. It seems reasonable to infer that William continued to run the colliery as his father had before him; since Hardcastle was dead by now, the entire responsibility must have been borne by him – Wright had probably never been more than a sleeping partner.

Only eleven years after his father, in 1801, William Hustler also died. In his will he described himself as a woolstapler, and left two 'original shares' in the Leeds and Liverpool Canal, among other things, to his wife, Jane Fell, whom he had married as recently as 1796.¹⁷ He instructed his trustees to do what they needed with his property, apart from investing it in 'the Funds' – presumably at a time of war this was due to religious scruples, and it may suggest a further reason why Quaker money could be so easily made available to business enterprise. He named his wife, his brother John, his uncle William Birkbeck the Elder, and his cousin William Birkbeck the Younger as his executors. His father's will had also named Morris and William Birkbeck as arbitrators in case there were any disagreement over the disposition of his estate. Essentially William wanted his brother John to continue to trade on his behalf in order to maintain his widow and children. William mentioned 'my share and interest in a colliery in which I am engaged with representatives of Thomas Hardcastle and John Wright both deceased which I will shall be carried on and wrought for the benefit of my children by my said Trustees as fully and effectually as I would do if living'. The will also required the trustees to treat in the same way a lease which he, together with Edmund Peckover and others held in a colliery in Lancashire from Charles Townley Esq. and Edward Townley Standish Esq. This was also in the Orrell area, and the lease in question was made in January 1798.¹⁸ Presumably it could be managed to some degree in the same way as the original colliery lease. In 1805 the accounts record a payment of £505 on the account of Thomas Hardcastle to Peckover and Son (p.95), which shows a close connection of some unspecified sort between Peckover and the firm. The Peckovers were Quaker bankers and woolstapling colleagues of the Hustlers in Bradford, and it may be supposed that their involvement was primarily as investors. By 1799, Hustler's was the second biggest colliery in the Orrell area with, according to the land-tax returns, thirty-five employees.¹⁹ In 1804 the Land Tax records show that the firm employed fifty people.²⁰

Thus, after the death of William in 1801 the business seems to have been carried on by his brother, John, and it was under him that the partnership was wound up in the years 1806–1810. In effect the other two partners, or their executors, were bought out by the Hustlers. The Hustler dynasty continued to be involved in the Lancashire coal business, however, under John who lived until 1844. Baines's Directory for 1824 lists John Hustler

¹⁷ BI, Will of William Hustler of Bradford, woolstapler, made 22/6/1799, proved York, 12/10/1802; York; FMH, Records of Quaker births, marriages and deaths.

¹⁸ Anderson, *The Orrell Coalfield*, p.21.

¹⁹ Joyce H. M. Bankes, 'Records of Mining in Winstanley and Orrell, near Wigan', *Transactions of the Lancashire and Cheshire Antiquarian Society* vol. LIV (1939), 61.

²⁰ Anderson, *Orrell Coalfield*, p.191.

and Co. as coal merchants in Liverpool and also as coal and cannel merchants at Orrell.²¹ The Commission of Enquiry into the Employment of Children in Mines recorded in 1842 that Messrs J. Hustler and Co, at Up Holland employed 135 people, of whom twenty were under 13 years old.²² After John's death the business continued under his son, John Mildred Hustler, and his brother's son, another John. In the mid-1840s the Hustlers went into partnership with William Hill Brancker of Liverpool.²³ The Hustlers were now resident in Lancashire; in 1846 John Hustler lived at Orrell Mount and John Mildred Hustler at Orrell Hall.²⁴ The connection of the family with coal mining in the region does not seem to have lasted much longer, however; and apparently the seams were being worked out by the middle of the century. John Mildred Hustler was not held in very high regard as a businessman by his relations, and he died in any case in 1849 at the age of 33. While his cousin John was more stable and more able, he retired to Falmouth at some point and it seems that the links between the family and Orrell were ended around 1850.²⁵ The business, or what was left of it, passed to Brancker.

THOMAS HARDCASTLE

Thomas Hardcastle was probably from the same Bradford family as the William Hardcastle (who may have been his brother) who started the first bank in the town, which went bankrupt in 1781.²⁶ The Hardcastles, like the Hustlers, were from a family of woolstaplers. Although Thomas Hardcastle was not a Quaker, it is possible that he was related to a Quaker family of the same name from Hardcastle Garth, Hartwith-cum-Winsley in the parish of Kirkby Malzeard.²⁷ He (and the banker William Hardcastle) was fairly quickly involved with Hustler in the development of the Leeds and Liverpool Canal. He was a treasurer of the canal in 1769, and worked hard to develop the links with investors from across the border in Lancashire. Like Hustler, too, he was then drawn by the Leighs into the Wigan Coalfield. In January 1771 he paid a very significant visit to Wigan in the company of another prominent Bradfordian, Abraham Balme. They were shown the area by Alexander Leigh, who was clearly trying to persuade them to invest in the collieries there. Hardcastle reported

²¹ Edward Baines, *Directory of Lancashire 1824* (reprinted Trowbridge, 1968), p.614.

²² Parliamentary Papers, XVII (1842), Part ii, Appendix, p.194.

²³ C. H. A. Townley, F. D. Smith and J. A. Peden, *The Industrial Railways of the Wigan Coalfields* (Cheltenham, 1991), pp.57, 64.

²⁴ Anderson, *Orrell Coalfield*, p.24; *Annual Monitor*, 1846, death notice of Phoebe Elizabeth Gray Hustler aged 11 at Orrell, daughter of John and Phoebe Hustler; cf. *Annual Monitor*, 1841, death notice of Ann Hustler, aged 38 at Toxteth Park, nr. Liverpool, for a suggestion of links with Liverpool in the family then.

²⁵ H. R. Hodgson, *The Society of Friends in Bradford* (Bradford, 1926), p.42; there are references to the Hustlers in the 1830s and 1840s in R. L. Brett (ed.), *Barclay Fox's Journal* (London, 1979), see index.

²⁶ William Cudworth, 'The first Bradford Bank', *Bradford Antiquary*, n.s. II (1905), 232-7; Wilfrid Robertshaw, 'An Early Bradford Bank Note', *Bradford Antiquary*, X (1962), 214

²⁷ On the Quaker Hardcastles see Bernard Jennings (ed.), *A History of Nidderdale* (York, 1992), pp.398-9. I should emphasise that my knowledge of the Hardcastle family tree is limited and all comments about Thomas Hardcastle's ancestry and family are tentative.

(referring to himself in the third person):

The Valleys being flooded, Mr Hardcastle could not look over the ground where the coal seams are supposed to be, but proceeded to Mr Bankes of Winstanley who informed the said Mr Hardcastle that in all the ground between Wigan and Newburgh, on both sides of the Douglas Navigation, are plenty of good coals, chiefly beds of from four to six feet thick.²⁸

From 1775, as has been said, Hardcastle, Hustler and their partners took leases on collieries at Ayrefield, Dean and Orrell. After forming the new partnership with Hustler and Wright in 1781, Hardcastle played an active part in the running of the Liverpool end of the business. He may have been working there somewhat before, since in April 1780 the accounts show that Hustler paid him £111 (p.73). It is worth emphasising here the significance to the firm of having a permanent coal-merchanting business at the end of the canal in Liverpool; it is also worth pointing out that the role of Hardcastle in establishing this part of the business would have been unknown without the evidence drawn from the account book. When Hardcastle died in July 1789 it was in Liverpool, where he had lived. In 1805 his widow's address is given as 3, Leeds Street, which was next to the canal terminus, and was probably where the couple had lived before Thomas's death and where the company had its office. This was next door to Jonathan Blundell's house and office; the Blundells were also prominent Orrell colliers, as has been said.

Hardcastle's will, proved in Chester, directed his trustees 'to carry on my partnership concerns under the firm of Hustler, Hardcastle and Co...for the benefit of my said wife during her life and afterwards for the benefit of the persons to whom I have hereby given the residue of my estate'.²⁹ The Hardcastles had no children of their own and Thomas intended his estate to go eventually to a nephew, John Hardcastle, and a niece, Elizabeth Hayes. His trustees were his wife, Mary, and his friend Robert Berry of Liverpool, merchant. It seems likely therefore that Berry it was who continued to run the Liverpool business, and the will allowed him to take a reasonable salary for doing so. There were Berrys involved in coal mining at Orrell, and possibly Robert was part of this family; there was also a Berry employed as an engineer on the Leeds and Liverpool Canal.³⁰ The accounts mention Robert Berry in 1785 (p.75), suggesting that he was already working with Hardcastle at that time. The hub of the business in Liverpool was presumably the same yard that was mentioned later on, in directories of 1805 and 1824, and which was in the basin where the Leeds and Liverpool Canal terminated, at 2, Canal Basin, Old Hall Street. This was right next-door to the Leeds and Liverpool Marine Office, and also the Orrell and Pemberton Coal Company. As John Aiken reported in 1795: 'The head of this canal [the Leeds and Liverpool], near the Ladies' Walk, is widened into a kind of basin, where boats can load and unload with the greatest

²⁸ Killick, *Bradford Antiquary*, n.s. I, 221.

²⁹ *Gore's Liverpool Directory, 1805*; Lancashire County Record Office, Preston.

Will of Thomas Hardcastle of Liverpool, coal merchant, made 2/7/1789, proved Chester 11/7/1789.

³⁰ Anderson, *Orrell Coalfield*, pp.24, 39, 109, 167-9.

convenience, in a large coal-yard.³¹ In 1824 Thomas's widow, Mary Hardcastle, gentlewoman, continued to live in Liverpool, at 68, Richmond Row.³² When he died in 1789, Thomas Hardcastle's wealth is said in the account book to be £11,121 13s. 7½d. (p.116). Of this, £8,980 8s. 8d. was said to be the 'amount of his ⅓ share of Capital and Stock in Trade in the concerns of Hustler, Hardcastle & Co.'. Of the rest, he had £860 of canal shares, and his furniture, plate etc. were valued at £145 14s. 6d. It is clear from this, that Thomas Hardcastle's fortune was concentrated by this time almost entirely in his coal-merchant's business, although he was sensibly still hanging on to his shares in the canal, which, as the inventory shows, returned an annual dividend of £40 16s. 4d..

JOHN WRIGHT

The third partner was one John Wright, banker of London. He is to be identified as the Quaker partner in the London bank of Smith, Wright and Co., which Wright probably joined in 1763 when it was at the Golden Ball, Lombard Street. After 1792 it amalgamated with Esdaile and Co., the firm founded by Sir James Esdaile, and carried on business at 21 Lombard Street as Esdaile, Smith, Wright, Hammett and Co.³³ It seems possible that Wright seldom (or even never) visited Orrell or Liverpool; he was simply a sleeping partner, part of the Quaker network whose money Hustler arranged to invest. The bank had been used by Hustler before and in fact became one of the chief mechanisms by which investors in the Leeds and Liverpool Canal were found, and the bank had also lent cash to the canal's management committee at one point.³⁴ The work of banks in the eighteenth century in the financing of coal mining, while not unknown, was a little unusual and the involvement of Wright in investments in a coalfield so far from his home territory is interesting.³⁵ It is clear this involvement developed in economic terms from Wright's connection with the canal project, and in personal terms from his association with Hustler as a fellow-Quaker.

Wright was originally from Norfolk, born on the 6 July 1728 at Buxton in that county, the son of Richard and Grace (born Smythies). After Richard died, Grace remarried Edmund Peckover at Norwich on 2 February 1762. Peckover was Hustler's woolstapling partner and fellow investor in the Lancashire coalfields.³⁶ Wright outlived the other two original partners in the firm. He died on New Year's Day 1798 near his retirement home in Esher, Surrey: 'he ... rode out on horseback by himself and ... when he went from home he seemed in perfect health and ... about half an hour after his leaving he dropped off his horse in an apoplectic fit

³¹ John Aiken, *A Description of the Country from Thirty to Forty Miles Round Manchester, 1795* (London, 1795, reprinted, Newton Abbott, 1968), p.363.

³² Edward Baines, *Baines's Lancashire 1824*, p.271,

³³ F. G. Hilton Price, *A Handbook of London Bankers* (London, 1890-1), pp.153-4, 57-8

³⁴ J. R. Ward, *The Finance of Canal Building in Eighteenth Century England* (Cambridge, 1974), pp.35, 186.

³⁵ M. W. Flinn, *The History of the British Coal Industry, vol. 2, 1700-1830, the Industrial Revolution* (Oxford, 1984), p.208; L. S. Pressnell, *Country Banking in the Industrial Revolution* (Oxford, 1956), pp.322, 342-3.

³⁶ Details of Wright's family connections are from FMH, Records of Quaker births, marriages and deaths.

and died instantly'.³⁷ His will shows that there was more money to be made in banking than woolstapling and coal-merchanting. He mentions landed property at Esher and Kennington in Surrey, at various places near Buxton in Norfolk, and at Wingfield in Suffolk. There is reference made to 50 shares in the Leeds and Liverpool Canal. He had no scruples about investing in Consols and left numerous cash legacies. The clerks in the bank were not forgotten, including one John Overend, later to be the founder of a famous London bank. Wright left £100 to Sir Benjamin Hammett, 'which I request him to accept as a token of my respect and of the satisfaction I have found in his conduct in the very large transactions between us', but then thought better of it and withdrew this bequest in a codicil. Like Hustler and Hardcastle before him, Wright envisaged that the colliery business should continue to trade after his death, and the income from it be used to pay the various annuities which he bequeathed to his relatives.

THE COAL-MERCHANTING BUSINESS AT LIVERPOOL

For the purposes of the accounts the coal-merchanting business at Liverpool was treated separately from the collieries, presumably because it was separately managed by Hardcastle and then by Berry. This suggests also that the trade at Liverpool did not merely consist of selling coal mined at the collieries belonging to the firm, but that the canal-boats also brought other people's coal to Liverpool from Wigan. There are six items of income in the account book (pp.1–18, see Table 1), the largest by far being from the sale of house coal, which brought in between £402 (1786) and £1,439 (1789). This was sold at six shillings a ton in 1787 and 1788. Hence in 1786 and 1789, Hardcastle was selling 1,340 tons and 4,796 tons respectively. This was the typical Orrell coal from the Orrell Four Foot Seam. More valuable was the Smith's Coal from the Five Foot Seam, which Hardcastle sold to the value of £97 in 1781 and £314 in 1784.³⁸ Smith's Coal fetched 6s. 6d. in 1789; hence the tonnage sold in 1781 was 298, and in 1784 was 966. A small quantity of the famous cannel coal was also sold at 10s. 6d. a ton; this may have been mined in Orrell, since according to Anderson there was a small seam of it – known locally as 'hoo' cannel – there. It is probably more likely, however, that it came from elsewhere, since the cannel from Orrell was of an inferior quality and would not command the prices quoted above. If this is correct, it is evidence that the firm was selling coal from other collieries apart from their own.³⁹ Sales of cannel ranged from £37 (1783) to a mere £6 (1788). The firm's accounts also show that they sold limestone (at seven shillings a hundred-weight) in small quantities and also 'slack and cinders' (which cost £1 for 100 baskets of a hundred weight and a half).⁴⁰ On the last day of 1789 the accounts show that the flats, or flat-bottomed canal boats, had ninety-one tons of paving stones on board. These were quarried in the Orrell area and were a significant import to Liverpool at the time.⁴¹ The

³⁷ T[he] N[ational] A[rchives], Will of John Wright, proved Prerogative Court, Canterbury, 3/2/1798. This is a long and interesting probate record, since Wright left two drafts of his will.

³⁸ Anderson, *Orrell Coalfield*, p.16.

³⁹ Anderson, *Orrell Coalfield*, pp.36, 179.

⁴⁰ On the use of slack, see Anderson, *Orrell Coalfield*, p.197.

⁴¹ Anderson, *Orrell Coalfield*, pp. 9–10; John Aiken, *Description*, p.370. For the development of Liverpool trade and the importance of coal, see J. Langton, 'Liverpool and its Hinterland in the Late Eighteenth Century', in *Commerce, Industry and Transport: Studies in Economic Change on Merseyside*, ed. B. L. Anderson and P. J. M. Stoney (Liverpool, 1983), pp.1–25.

accounts also show an unspecified income from boats, which varied from £109 (1784) to £335 (1788); presumably this income derived from the transport charges made bringing other goods along the canal. The colliery accounts show that the firm owned nine flats: Dolphin, Neptune, Venus, Henry Jane, Triton, Speedwell, Argos, Mars and Dean are mentioned. The boats were valued in 1788 at £980, for nine boats, which means about £109 each. There were in 1786 a total of 89 boats plying between Wigan and Liverpool, so Hustler and Hardcastle had about a ninth of this trade.⁴² The boats were subject to quite frequent repair and they feature on occasions on the loss side of the accounts for this reason. The accounts of the colliery concerns also show an income from the boats (in addition to that recorded at Liverpool), presumably because there was a two-way movement of goods. In Hustler's account with the firm, there is a reference on two occasions to payments from Hustler to Hardcastle and also to Hardcastle's associate, Robert Berry, for a 'parcel of sugar' and then for a 'cask of sugar' and also for raisins and plums (p.75), and this may suggest that these were the sort of goods which, purchased in Liverpool, could be transported along the canal. Presumably these commodities were brought as close to Bradford as possible on the canal and then transferred to a carrier.

The coal sold by Hardcastle in Liverpool must have been bought for domestic and industrial use in the expanding town itself and its surrounding area. But some was certainly exported. As John Aikin reported in 1795, the opening of the Leeds and Liverpool Canal afforded 'such plentiful supplies of coal as greatly to add to the exportation of that commodity from this port'.⁴³ Some of the more intriguing entries in the accounts mention the name of Thomas Horne: on 10 March 1787, Hustler appears to have drawn from Horne in London the sum of £93 18s. 2d. (p.75), while at the same time, Hardcastle's account shows an entry in the name of Horne to the value of £250 (p.87); and Wright an entry for £156 13s. 6d. (p.99). The following year Wright seems to have drawn £404 3s. 5d. (p.101) against an entry in the name of Thomas Horne and Co., a total sum close to that involved the previous year. Thomas Horne was the most prominent coal-factor in London, from (predictably) a Quaker family. It may not be too fanciful to interpret these entries in the accounts as showing that Horne bought two consignments, in 1787 and 1788, of Wigan coal to sell in London. I know of no other evidence to show that, before the advent of the railways, a London coal-merchant was able to break the stranglehold on his trade imposed by the lordly Newcastle colliers. It would clearly be extremely advantageous for Horne to do so, but the fact that the accounts do not show that the experiment (if such it was) was repeated in subsequent years may indicate that it was still too expensive to do this, given the long journey by sea that was required.

The total figures for the net profit made at Liverpool show, as one might expect, some rather lean years at the beginning of the firm's existence but then, from 1784, with the establishment of peace and prosperity under the Younger Pitt, a very healthy development of profit so that after nearly a decade the firm was roughly twice as profitable as it had been at its inception. Fluctuations in the sales at Liverpool presumably also show changes in the weather, since house coals represented the bulk of the sales. (See Table 1)

⁴² Aiken, *Description*, p.370.

⁴³ Aiken, *Description*, pp.342, 125-6.

Table 1: ‘Profit and Loss’ of trading concerns at Liverpool 1781–1789 (main items, to nearest £)

	Nett Profit	Profit: Totals	Profit: By House Coal	Profit: By Smiths Coal	Profit: By Cannel	Profit: By Slack and Cinders	Profit: By Limestone Account	Profit: By Boat Account	Loss: To General Expenses
1781	£517	£882	£454	£98	£25	/	£10	£133	£365
1782	£344	£795	£458	£90	£19	/	£8	£170	£360
1783	£481	£1063	£791	£208	£37	£26	14s	£195 Loss	£387
1784	£785	£1187	£692	£314	£27	£21	£24	£109	£402
1785	£470	£1955	£1758	£983 (On Loss side) (?)	£26	£22	£13 Loss	£149	£489
1786	£444	£879	£402	£112	£8	£31	/	£325	£435
1787	£975	£1397	£923	£163	£22	£51	/	£237	£422
1788	£1134	£1642	£955	£202	£6	£143	/	£336	£508
1789	£871	£1827	£1439	£149	£16	£104	/	£115	£822
Totals 1781–1789	£4631	£11627	£7870	£2314 (?)	£183	£396	£30	£1271	£4186

THE COLLIERY CONCERNS

The colliery concerns in the Orrell area were valued in the figures for the Nett Estate (Table 4) at between three times and twice the value of the trading concerns at Liverpool, and this certainly was a larger business. There were three collieries, called the Dean, Orrell and Ayrefield Colliery. The latter was clearly the smallest of the pits, while Dean was generally more productive than Orrell, although at times Orrell did better (Table 2). Dean was in capital terms a more valuable pit than Orrell (Table 3). Mining was obviously a risky business and the fluctuations in production presumably represent the development and overcoming of real engineering problems in the pits. The accounts also show an income from lime and limestone and also from the Yards at Tarleton. To set against the income, the collieries required a blacksmith’s shop, a farming and horse account, and there were also regular payments to the Douglas Estate, presumably for the use of the Douglas Navigation. (See Table 2)

The Account Books show a healthy growth in the valuation of the nett estate of the colliery concerns. At the end of 1788, the valuation was broken down as shown in Table 3 (pp.69–71)

The pits were valued in terms of their ‘stock, pits, gins, railways, and stock of coals in hand’. The railway running from Hustler’s pits to the Leeds and Liverpool Canal was a significant feature of the local industrial landscape and an important source of profit for the business.⁴⁴ One item in the above valuation which requires comment is the size of the debts due to the colliery, which represented well over half the total valuation of the business. This accords with the evidence of other collieries at around this time. As John Langton emphasises, ‘coal masters were forced to act as “longstops” in the system of circulating debt and credit, very much as the merchant houses did in the textile industry’.⁴⁵

Table 2: ‘Profit and Loss’ of colliery concerns (main items, to nearest £)

	Balance Gained (Nett Profit)	Total Profit	Profit by Dean Colliery	Profit by Orrell Colliery	Profit by Ayrefield Colliery	Profit by Tarleton Yards	Loss by Farming and Horse Account	Loss by Account of Materials
1782	£1293	£1684	£837	£446	£175	£50	£116	£243
1783	£1134	£1975	£845	£714	£199	£102	£215	£626
1784	£1290	£1794	£592	£874	£223	£29	£183	£281
1785	£1275	£2240	£610	£1328	£157	£15	£334	£562
1786	£1882	£2945	£1288	£1381	£81	£7 Loss	£309	£678
1787	£2465	£3315	£1428	£1286	£295	/	£189	£581
1788	£1653	£2328	£1171	£972	£62	/	£192	£423
1789	£2375	£3409	£1658	£1121	£401	/	£40	£994
Totals 1782–1789	£13363	£19690	£8423	£7496	£1588	£189	£1575	£4384

⁴⁴ D. Anderson, ‘Blundell’s Collieries, the Progress of the Business’, *Transaction of the Historical Society of Lancashire and Cheshire*, vol. 116 (1964), p.80; Townley, Smith, and Peden, *Industrial Railways of the Wigan Coalfields*, pp.56–7, 64.

⁴⁵ J. Langton, *Geographical Change*, p.216; Flinn, *History*, p.199.

Table 3: Valuation of colliery concerns, 31 December 1788

Ayrefield Colliery	£504
Dean Colliery	£3268
Orrell Colliery	£1223
Blacksmith's shop, tools etc.	£91
Farming Stock	£569
Boats and 91 tons of paving stones	£1054
Stock of sundry materials	£462
Debts due to colliery	£10354
Total	£17528

Another final attempt at valuation was made in 1810 to establish a value at the point when the partnership had come to an end four years before in 1806, and this reveals a little more about the running of the colliery business. The 'Amount of the value of the colliery engines, implements, machinery, tools, materials and utensils' was £8,950. In addition there was £2,004 worth of 'ungotten coals ... made available and worked by virtue of the Pits and Engines heretofore belonging to the partnership'. A valuable piece of machinery was the pumping engine described as 'Harvey's Engine', whose value was put at £730. This enabled a valuation of £1,093 to be put on 'the amount of coals under water at Harvey's Engine in 1806, but afterwards recovered and gotten by virtue of that Engine and the Pits thereto belonging, according to the valuation thereof'. The valuation also itemises 'the value of old cast Iron Rails & Sleepers in the Pits called Gaskells Pit & Ashursts Pit' (£36) and 'further coals ungotten, being 2 Roods & 6 Perches' (£286).

PROFITABILITY OF THE BUSINESS

In their study of the coal industry in the eighteenth century, Ashton and Sykes discussed the profits that could be made in the coal business. Their assessment was that, despite the grumbles of coal-owners, profits could be very high (up to 46 per cent a year return on investment), but that in some years the business could show a loss too.⁴⁶ The conclusions drawn by M. W. Flinn are more conservative; he speaks of profit being about 30 per cent of costs in the eighteenth century and early nineteenth century, and gives a rough figure of 15 per cent as the profit expressed as a percentage of investment.⁴⁷ Both authorities stressed the way in which profit could fluctuate quite widely. After some initial difficulties in the early 1780s, Hustler and Hardcastle was a profitable concern. The reason for this may lie in the way in which Hustler and Hardcastle were able to overcome the 'struggle' – as Flinn puts it – between those in charge of production and those in control of marketing, which

⁴⁶ T. S. Ashton and J. Sykes, *The Coal Industries of the Eighteenth Century* (Manchester, 1929), pp.245–6.
⁴⁷ Flinn, *History*, pp.323–6. On the declining profits of the late eighteenth century, see J. Langton, 'Landowners and the development of coal mining in south-west Lancashire, 1590–1799', in *Change in the Countryside: Essays on Rural England, 1590–1900*, ed. H.S.A. Fox & R. A. Butlin (London, 1979), pp.136–9.

especially in the North-East coalfields could drive down profits.⁴⁸ Hustler and Hardcastle's business was organised on the same lines as those of the Blundells and other Orrell colliers. Not only was the Leeds and Liverpool Canal a significant asset for the Wigan coal-miners, but it was central to their operations. It is difficult to imagine a better example of an integrated business, with production, transport and marketing all in the same hands. Hustler and Hardcastle worked the mines, transported the coal and then sold it at Liverpool. They owned a large number of shares in the canal, and the coal and other goods they transported along the canal helped (through tolls) to produce the handsome dividends their canal shares earned. The danger for a producer is that the profit is mainly earned by the merchant who sells the goods, or by those who transport them; but the organisation of the coal business in West Lancashire prevented this. As was the way in the eighteenth century, the capital investment also belonged to the partners, or was raised on terms which gave the partners a great deal of leeway in its use: since Hustler was a Quaker like Wright, the investment Wright made was more precious to Hustler but also more secure. The Quakers were not exclusive, however, and their relations with Hardcastle and Holt Leigh, not to mention Blundell, Robinson and Berry, were crucial to the development of the business. The organisation of the worsted trade in Bradford was rather like that of the coal industry in Wigan: the woolstapler was responsible for purchasing wool, transporting it, combing it, and then selling it on to the clothiers. The development of an integrated coal business between Wigan and Liverpool has certain parallels with the development of woolstapling in Yorkshire, and one system may have influenced the other. The growth of Hustler and Hardcastle's enterprise is clear from the figures given above for the profit made in the 1780s (Tables 1 & 2), and also from the steady growth in the 'nett estate' of the business (See Table 4). At first, progress may have been difficult, and the firm itself was set up in response to the need to bring in Wright's capital and to replace partners who for one reason or another had fallen by the wayside. The reason for this would seem to be that the Orrell Five Feet Seam had largely been worked out, and that mining had now to proceed to a deeper level to reach the Four Feet Seam. This was not only costly but also, of course, a risky business since the extent of the seam was unknown. But the growth in the late 1780s seems to have been very sharp and this continued into the next two decades. The accounts only show profit and loss down to the death of Hardcastle in 1789 but the figures showing the growth of the nett estate and the separate accounts for each partner are very healthy. The price of coal in Liverpool effectively doubled in the 1790s, and the Orrell pits were still able to handle this level of demand. The really profitable days came after all three original partners had died; but even before that, the return on the initial investment was very good.

It is very difficult to quantify the profit made by Hustler and Hardcastle. Perhaps the most satisfactory approach is to look at the 'nett profit' (Tables 1 & 2) in relation to the investments made by each of the partners. If we take the figures given for the nett profit at Liverpool and at the collieries as representing the return on investment, then the totals for the eight years for which there are detailed records (1782–89) make an average of £578 at Liverpool each year and an average of £1,670 at Orrell. So, the average return was about £750 for each of the three investors. Now, if the initial investment were only £2,900 each,

⁴⁸ Flinn, *History*, ch.8.

Table 4: Nett Estate of Hustler, Hardcastle & Co., 1781–1789

Date (Dec 31, unless otherwise stated)	Nett Estate of trading concerns at Liverpool (nearest £)	Nett Estate of Colliery Concerns (nearest £)
1781	£2506	
1782	£2851	£9625
1783	£3332	£9012
1784	£4117	£10,120
1785	£4587	£11,328
1786	£5031	£13,141
1787	£6006	£15,607
1788	£8053	£17,528
6 July 1789	£8488	£18,716

this represents an average return of somewhat over 25 per cent a year on the investment. Even shares in the Leeds and Liverpool canal could not match that. At first the business may not have seemed so healthy, though, and it is worth bearing in mind that early in the 1780s Hustler was mortgaging his property and his canal shares and that Thomas Hardcastle’s relative William Hardcastle’s bank was going bankrupt. Much of the income was, however, at first ploughed back into the firm and not taken as profit or income by the partners. Again, this is a feature of the coal industry on which Flinn comments in his comprehensive survey.⁴⁹ It was always possible for the economy to turn down and for Liverpool demand to slacken; the weather presumably affected the sales of coal at Liverpool, and a few mild winters in succession would not be good for trade. The mines could meet with problems, mainly in the form of floodwater or some geological difficulty. What was more, the business was extending what seem to be huge sums on credit to its customers and this made the certainty of profit a little difficult to predict. The tradition in any case was for businesses to plough back profit. The accounts contain for both the collieries and the Liverpool business several pages setting out the ‘Nett Estate’ of the business (Table 4). This accounting measure consisted of the value of the capital assets of the firm (presumably close at first to the investment of the partners) and then the annual profit added into the sum. This seems a curious accounting device, except on the assumption that plough-back was more or less the accepted way in which profit would be taken. However, the partners did take some of their profit as income, and this is recorded in the third section of the accounts which gives a credit and debit statement for each of the partners. These show that at first little profit was actually taken out, but that in the 1790s and 1800s larger and larger sums were distributed as dividend to the executors, heirs and assigns of the original partners. (See Table 5)

These figures show that the firm was remarkably profitable. In the years 1782–89 it allowed the partners to draw on average £489 p.a. each. (They were therefore ploughing back roughly a third of the total profit). In the years 1790–99 the partners (or their

⁴⁹ Flinn, *History*, pp.210–11.

executors) were making on average £867 p.a., and in the final period of the business’s history (1799–1810) they were making £2,010 a year each. This all sprang from initial investments by each partner in 1781 of (probably) £2,900, and hence represents a very healthy return. It also involved profiting from the lifetime’s experience of three very able entrepreneurs of the Industrial Revolution. The pity was that not one of the partners lived to see the really profitable days of the 1800s.

Recent discussion of the Industrial Revolution has centred around the ‘proto-industrial’ development of the economy, especially in the wool and also the coal industries. According to this view, development here was slow and hardly revolutionary, and it built on earlier

Table 5: Sums debited by the partners of Hustler, Hardcastle & Co. and their executors, 1782–1810

	Hustler	Hardcastle	Wright	Total
1782	£188	£401	£109	£698
1783	£258	£150	£150	£558
1784	£200	£300	£99	£599
1785	£102	£100	£100	£302
1786	£318	£300	£300	£918
1787	£824	£1100	£600	£2524
1788	£1047	£1050	£1302	£3399
1789	£906	£925	£921	£2752
1790	£1043	£400	£900	£2343
1791	£982	£1008	£1000	£2990
1792	£1800	£1800	£1800	£5400
1793	£600	£600	£600	£1800
1794	£1000	£1000	£1000	£3000
1795	£800	£800	£800	£2400
1796	£509	£500	£500	£1509
1797	£1000	£761	£1000	£2761
1798	£600	£1100	£400	£2100
1799	£500	£510	£700	£1710
1800	£1700	£1700	£1700	£5100
1801	£1000	£1000	£1000	£3000
1802	£800	£800	£800	£2400
1803	£2000	£2000	£2000	£6000
1804	£4000	£3500	£3500	£11000
1805	£2815	£3505	£3000	£9315
1806	£4685	£4494	£5000	£14179
1807	£3872	£3872	£3872	£11616
1808	£293	£292	£292	£877
1809	£735	£735	£735	£2205
1810	£222	£222	£222	£666
Totals	£34799	£34925	£34402	£104,121

developments going back centuries. The stress on local studies perhaps reinforces this view – in certain regions particular specialisms grew from the traditional fields in which excellence had been fostered there over the centuries. But consideration of the career of John Hustler shows that development was not always parochial or based on tradition. Two generations away from yeoman farming at Steeton in Yorkshire, Hustler had the confidence to act on a national stage. He, in combination with Hardcastle, was prepared to move from Yorkshire into the Lancashire coalfield and to develop a coal-merchanting business in Liverpool. In this he also moved away from his family's trade, woolstapling, and he called upon financial resources and connections in London. He also made (if my interpretation is correct) contact with a London coal-merchant in an effort to undercut the supply of the capital's coals from Newcastle. In all this he was taking advantage of the transport links which his enterprise, and that of his colleagues in Yorkshire and Lancashire, had deliberately forged across the Pennines. Bradford was ideally placed to connect Yorkshire to Lancashire, and from Undercliffe House, Bradford, Hustler could supervise a business in coal which had its impact across the whole country.

CURRENTS OF ELECTORAL INDEPENDENCE: JAMES LOWTHER AND POPULAR POLITICS IN YORK, c.1865–1880¹

By Matthew Roberts

This article focuses on electoral politics in the borough of York and uses the political career of James Lowther, Conservative MP for York (1865–1880), as a case study to explore the continuing importance of local and regional issues in mid-Victorian provincial politics. Although the mid-Victorian years saw the re-emergence of parliamentary reform and other momentous political issues, there remained considerable electoral value in appealing to civic ideologies of independence and protecting local rights and privileges. Lowther was able to construct a broad-based coalition of voters by drawing on, and reworking, eighteenth-century traditions of electoral independence. As such, this article sets Lowther's electoral politics within the context of the 'long' eighteenth century: the persistence of local issues and independency, the reactionary nature of his politics and the pre-industrial composition of the York electorate, all point to a political culture that was more akin to the pre-1832 'unreformed system' than to the ostensibly 'modernised', 'nationalised' and disciplined world of Victorian popular politics. The article concludes by locating York within the wider context of the mid-Victorian electoral system and highlights some of the different types of continuities that exist between Georgian and Victorian popular politics.

'You determined to have a Yorkshireman for York, and now you have him. You have vindicated the great principle of local representation, and it is no longer possible for anybody to come down here and tread on your rights.'²

So spoke James Lowther on his election to represent the city of York in 1868. In tracing the development of popular politics across the nineteenth century, historians have subscribed to one of two interpretations. On the one hand, there are those historians who argue that the period witnessed the birth of a modern system of party politics in which 'political principle defined in national terms by the parties at Westminster took the place of the local, factional, and idiosyncratic concerns' that had characterised the previous system.³ While this school of historians may disagree over the timing of this development, central to all these accounts

¹ I should like to thank Jon Lawrence, Matthew McCormack, Edward Royle, Tony Taylor and the participants of the history research seminars at the Universities of Huddersfield and York for their helpful comments on earlier versions of this article.

² *Yorkshire Gazette* [YG], 21 Nov. 1868.

³ J. A. Phillips and C. Wetherell, 'The Great Reform Act of 1832 and the political modernisation of England', *American Historical Review*, 100 (1995), 411–36, at p. 415.

are narratives of nationalisation, modernisation and homogenisation.⁴ The Reform Acts of 1832 and 1867, the associated growth of centralised party machines and a burgeoning partisan press, are all cited as reasons for the creation of this nationalised political culture.

On the other hand, these narratives have been challenged, especially by historians of the 'unreformed system' of later Hanoverian and early Victorian England. Frank O'Gorman has argued that local issues remained paramount in popular politics at least up to, if not beyond, 1832. Indeed, he views the period from 1689 to 1866 as one of continuity and relative stability.⁵ Similarly, James Vernon has shown that political parties in Westminster after 1832 were widely rejected in the nation in favour of local, idiosyncratic leaders, symbols and loyalties, although it is not clear how long this persisted.⁶ Also following in O'Gorman's footsteps is Rosemary Sweet's work on early nineteenth-century English borough politics. As she convincingly argues, 'even in an age of political reform and nationalisation there was still considerable value in appealing to the civic ideology of independence, chartered rights and freemen's privileges', each of which 'derived their meaning from a sense of local urban identity and tradition.'⁷ Since much of this work emphasises the participatory, popular and even partisan nature of the 'unreformed' system – Vernon goes so far as to suggest that the old system was *more* democratic than the system that replaced it – this contradicts the notion of a linear shift to a modernised, nationalised and democratic political culture. For all that local issues often predominated in the unreformed system, as the work of John Brewer, Nicholas Rogers and Kathleen Wilson has made clear, urban voters were also aware of national and even international issues.⁸

What is not clear from this historiography is just how far local issues continued to shape the form and content of popular politics beyond 1832. While there exists an older historiography that emphasised the parochial and locally-based nature of Victorian elections, it was more concerned with exploring the structural determinants of voting behaviour – such as religious identity, occupation and broader loyalties to urban elites – rather than with

⁴ P. F. Clarke, 'Electoral sociology of modern Britain', *History*, 57 (1972), 31–55; J. P. D. Dunbabin, 'British elections in the 19th and 20th centuries: a regional approach', *English Historical Review*, 95 (1980), 241–67; G. Cox, 'The development of a party-orientated electorate in England, 1832–1918', *British Journal of Political Science*, 16 (1986), 187–216; H. J. Hanham, *Elections and Party Management in the Age of Gladstone and Disraeli* (Hassocks, 1978 edn); E. Evans, *Political Parties in Britain 1783–1867* (London, 1985); A. Hawkins, "'Parliamentary Government" and Victorian political parties, c.1830–c.1880', *English Historical Review*, 104 (1989), 638–69; Phillips and Wetherell, 'The Great Reform Act'.

⁵ F. O'Gorman, *Voters, Patrons and Parties: the unreformed electorate of Hanoverian England, 1734–1832* (Oxford, 1989); F. O'Gorman, 'Campaign rituals and ceremonies: the social meaning of elections in England, 1780–1860', *Past and Present*, 135 (1992), 79–115.

⁶ J. Vernon, *Politics and the People: a study in English political culture, c.1815–1867* (Cambridge, 1993), pp. 99, 163–4.

⁷ R. Sweet, 'Freemen and independence in English borough politics, c.1770–1830', *Past and Present*, 161 (1998), 84–115, at p. 84.

⁸ N. Rogers, *Whigs and Cities: popular politics in the age of Walpole and Pitt* (Oxford, 1989); J. Brewer, *Party Ideology and Popular Politics at the Accession of George III* (Cambridge, 1976); K. Wilson, *The Sense of the People: politics, culture and imperialism in England, 1715–1785* (Cambridge, 1995).

looking at the role of civic ideology.⁹ This article adopts a case study approach to explore the role of civic and political ideologies of electoral independence (the customary means by which a constituency liberated itself from local oligarchies and defended its local privileges in the face of a centralising state). It uses electoral politics in York between 1865 and 1880, and, more specifically, the political career of the Tory MP James Lowther, to illustrate the continuing importance of civic and provincial loyalties in mid-Victorian popular politics. It relies heavily on the *Yorkshire Gazette*, a York-based Tory newspaper, to examine the public rhetoric used by Lowther and the Tories on the electoral platform during the 1860s and 1870s – a period for which historical knowledge of urban Conservatism remains limited, especially beyond Lancashire.¹⁰ By locating Lowther's platform within the context of eighteenth-century electoral independence the article highlights the continuities between Georgian and Victorian popular politics. In doing so, attention is drawn to the contested and fluid nature of mid-Victorian popular politics. Indeed, the success of Lowther and his brand of popular Toryism was indicative of the limits to, and fragility of, the so-called Liberal hegemony of mid-Victorian Britain.

I

The Parliamentary borough of York returned two MPs to the House of Commons.¹¹ In 1841 the borough had a population of 30,152, and by 1871 this had increased to 50,765.¹² Despite this population growth, by the 1830s the demographic and industrial expansion of

⁹ J. Vincent, *Pollbooks: how Victorians voted* (Cambridge, 1967); T. J. Nossiter, *Influence, Opinion and Political Idioms in Reformed England: case studies from the North East, 1832–1874* (Hassocks, 1975); P. F. Clarke, 'Electoral sociology'. For a recent critical review of this literature see M. Taylor, 'Interests, parties and the state: the urban electorate in England, c. 1820–72', in J. Lawrence and M. Taylor (eds), *Party, State and Society: election behaviour in Britain since 1820* (Aldershot, 1997), pp. 50–78.

¹⁰ J. L. Greenall, 'Popular Conservatism in Salford, 1868–1886', *Northern History*, 9 (1974), 123–138; P. Joyce, *Work, Society and Politics: the culture of the factory in later Victorian England* (London, 1982), esp. ch. 8; N. Kirk, *Labour and Society in Britain and the USA, vol. 2: Change and Accommodation, 1850–1939* (Aldershot, 1994), pp. 188–197; D. Walsh, 'Working-class political integration and the Conservative party: a study of class relations and party political development in the North-West, 1800–1870', (unpublished PhD thesis, University of Salford, 1991). Beyond Lancashire the notable exception is Jon Lawrence's work on Wolverhampton. See his 'Popular politics and the limitations of party: Wolverhampton, 1867–1900', in E. F. Biagini and A. J. Reid (eds), *Currents of Radicalism: popular radicalism, organised labour and party politics in Britain, 1850–1914* (Cambridge, 1991), pp. 65–85.

¹¹ Each elector had two votes which he could use in one of four ways: by casting his two votes for the two candidates of one party (a 'straight'); by giving a single vote if a party fielded only one candidate (a partisan 'plump'), thus wasting the second vote; by casting one vote for one candidate of each party (a 'split'); or he could cast only one vote (a non-partisan 'plump') despite there being two candidates for a particular party. Phillips and Wetherell, 'The Great Reform Act', pp. 416–17.

¹² Figures cited in C. H. Feinstein, 'Population, occupations and economic development, 1831–1981', in C. H. Feinstein (ed.), *York 1831–1981: 150 years of scientific endeavour and social change* (York, 1981), pp. 109–59, at p. 111.

neighbouring towns was outstripping that of York. Consequently, the city was thought to be in a state of decline. York is best described as a medium-sized borough whose population and electorate was much larger than the so-called 'small-towns', such as nearby Knaresborough, Northallerton and Richmond, but smaller than those rapidly expanding industrial centres to be found in the West Riding and over the Pennines. In this respect York was similar – economically, socially and politically – to other county, cathedral or large market towns such as Bristol and Lancaster. York had a fairly broad industrial base. In 1851 it had three main sources of employment: 19.3 per cent of the population were employed in manufacturing (composed mainly of handicrafts and small-scale workshops); the next largest sector was domestic service employing 17 per cent; and 14.8 per cent were engaged in making and dealing in clothes and shoes. The other half or so of the population was employed in a variety of industries, including farming, the railways, construction, distribution and in the professions.¹³ The city was also an important market and commercial centre serving a large agricultural hinterland that penetrated deep into the North and East Ridings. In terms of its politics, York was a marginal borough throughout the nineteenth century: of the seventeen elections that took place between 1832 and 1885 on only two occasions did one of the two parties win both seats.¹⁴

The impacts of both the 1832 and 1867 Reform Acts on York were not as far-reaching as they were in other neighbouring boroughs. This was because York was a pre-1832 borough in which many adult males already qualified for the vote as freemen, an ancient voting right that was conferred by chartered boroughs on those connected with an incorporated trade. Between 1832 and 1867 borough residents could qualify for the vote in one of two ways: either through the occupation of a household rated at a rental value of £10 per annum and above, or by the possession of freeman status. Older boroughs, that is those that predated the 1832 Reform Act, such as York, contained both types of voter, whilst the new boroughs, such as neighbouring Leeds, contained only the new £10 householders.¹⁵ The freeman franchise could be acquired in a number of ways. Prior to the 1832 Reform Act local corporations had the power to create freemen, a privilege that was frequently abused. After 1832 the vote could be acquired either through inheritance (sons of freemen were granted voting rights at the age of 21) or through servitude (a seven year apprenticeship to a freeman brought the privilege).¹⁶ The 1832 Reform Act abolished only the voting rights of all non-resident freemen, future honorary freemen or freemen by marriage.¹⁷ Neither was it a voting right that was limited to those who did not qualify as £10 householders – the new franchise qualification introduced by the Reform Act. As Philip Salmon has shown, in a number of boroughs there were electors who qualified both as £10 householders and as ancient-right voters and that many of these dual-qualifiers opted for the latter voting right because it was

¹³ Feinstein, 'Population, occupations and economic development', p. 122.

¹⁴ This was in 1832 and 1880 when the Liberals won both of the York seats.

¹⁵ Taylor, 'Interests, parties and the state', p. 55.

¹⁶ On the operation of the freeman franchise see: C. Seymour, *Electoral Reform in England and Wales: the development and operation of the parliamentary franchise 1832–1885* (London, 1915), pp. 27–8; and for a more recent and authoritative account see Philip Salmon, *Electoral Reform at Work: local politics and national parties, 1832–1841* (Woodbridge, 2002), pp 200–6.

¹⁷ Salmon, *Electoral Reform at Work*, p. 203.

‘not dependent upon prompt rate payment or the 1s. registration fee’ as was the case with the householder qualification.¹⁸ It would, therefore, be wrong to exaggerate the decline of the freemen electors, especially in York. Whilst 78.3 per cent of York electors qualified as freemen in 1836, by 1866 some 54.4 per cent of York’s electorate was still composed of freemen – the third highest in England.¹⁹

Consequently, there was a relatively large body of enfranchised skilled artisans, who were employed chiefly in handicrafts and small-scale workshops. Since many had exercised this voting right under the ‘unreformed’ system, the effects of the 1832 Reform Act were negligible. At the time of the 1830 general election there were over 3,000 registered electors in York, and after the Reform Act the York electorate stood at 2,873. If anything, the Reform Act may have contracted the electorate: at the 1830 general election the two leading candidates between them secured 3,837 votes; in 1832 this figure had fallen to 2,645 – out of electorate of 2,873, which hardly suggests that a low turn out in 1832 was responsible for the contraction.²⁰ The 1867 Reform Act had more of an impact on York relative to 1832, but not relative to elsewhere. Whereas the electorate of Leeds was more than quadrupled by the 1867 Reform Act, at York it was little more than doubled. By 1861 42.4 per cent of adult males were registered to vote in York, second only to Coventry with 51.6 per cent.²¹ Indeed, there was no contraction of the York electorate between the Reform Acts of 1832 and 1867. Again, this was comparable with other freemen boroughs where the local economy was predominantly based on incorporated trades, such as Coventry, Nottingham and Preston, although the freeman vote did begin to fall away in the two latter places from the 1840s which was in line with the overall national contraction of the electorate between 1832 and 1867.²²

Thus, when the young James Lowther (aged twenty-five) arrived at York in the summer of 1865, there existed a long-standing political culture that was just as ‘participatory, partisan, and popular’ as the unreformed system of Hanoverian England.²³ More specifically, there was a strong local tradition of support for the Conservative party, which was underpinned by a broad-based coalition composed of middle-class Anglicans, local gentry and artisans. Lowther had been invited to York in consequence of the resignation of Colonel J. G. Smyth, who had represented York in the Tory interest since 1847. At first glance, Lowther was a surprising and most unlikely figure to be at the centre of a participatory popular politics. Born in 1840, he was the younger son of Sir Charles Hugh Lowther, of Swillington House, Leeds. His father was the head of a younger branch of the Lonsdale family, and Lowther

¹⁸ Salmon, *Electoral Reform at Work*, pp. 200–1.

¹⁹ Taylor, ‘Interests, parties and the state’, pp. 58–9.

²⁰ Figures taken from *The Times*, 31 July and 6 August 1830; F. S. W. Craig, *British Parliamentary Election Results, 1832–1885* (2nd edn, Aldershot, 1989), p. 346.

²¹ Taylor, ‘Interests, parties and the state’, pp. 58–9.

²² Taylor, ‘Interests, parties and the state’, p. 60. It has been argued that the contraction of the electorate was not due to the 1832 Reform Act itself, which actually opened up many new possibilities for public participation. Rather, as Mark Park has argued, it ‘was largely the result of people voluntarily deciding not to participate’. See his: ‘Aspects of the English electoral system, 1800–50: with special reference to Yorkshire’, (unpublished PhD thesis, University of York, 1995), p. 75. Clearly, York was also the exception to this trend.

²³ O’Gorman, *Voters, Parties and Patrons*, p. 393.

himself was the grandnephew of the first Earl of Lonsdale. The epitome of a traditional and defiant Toryism, throughout his life Lowther ‘championed the uncompromising principles of conservatism in which he was bred’.²⁴ He was firmly identified, by birth and temperament, with the Tory country gentleman.²⁵ So defiant was his Toryism that he was credited with being the originator of the mischievous tactics of parliamentary obstruction – tactics which the Irish members were quick to imitate.²⁶ His maiden speech in Parliament was delivered in opposition to the abortive 1866 Reform Bill, and for a time he thought seriously about voting against Disraeli’s 1867 Reform Bill until his uncle’s influence prevailed on him to accept the measure, but not before he made some disparaging remarks about Disraeli.²⁷ Recalling a train journey he had taken with Lowther in 1887, Alfred Pease, York’s future Liberal MP, gave the following character assessment of Lowther:

Travelled north with Jim Lowther who was regarded as the chief of the remaining real Tories...He is very good company. The conversation was chiefly on racing, turf problems and the prize ring...He was on his way to a Primrose League²⁸ meeting. He damned the Primrose League with many expletives as a “dangerous innovation” and referred to Beaconsfield as “that damned Jew, Dizzy.”²⁹

Lowther was certainly no Tory Democrat and there appeared to be little about him that would endear him to a popular electorate. Little was known of him when he came to York, save for his family name. His uncle, John Henry Lowther, had represented the borough in the Tory interest from 1835 to 1848, thereby forging a political connection between the family and the borough. Yet for all that the young Lowther could trade on his family name, few could have predicted the outcome of the 1865 election. Against all expectations, and in defiance of the national trend, he was returned at the head of the poll securing 2,079 votes, beating by 225 votes George Leeman – the local Liberal solicitor and railway promoter – who took the second seat and in the process unseated the sitting Liberal member, Brown-Westhead, a Manchester manufacturer turned Worcestershire gentleman, who had represented York since 1857.³⁰ Even more remarkable was that Lowther repeated the coup

²⁴ ‘James Lowther (1840–1904)’, in *[D]ictionary of [N]ational [B]iography 1901–1911* (Oxford, 1920), pp. 482–4, at p. 482.

²⁵ E. J. Feuchtwanger, *Disraeli, Democracy and the Tory party: Conservative leadership and organisation after the Second Reform Bill* (Oxford, 1968), p. 70.

²⁶ Feuchtwanger, *Disraeli, Democracy and the Tory party*, p. 237.

²⁷ ‘Lowther’, *DNB*, pp. 482–3.

²⁸ The Primrose League, a voluntary organisation established in November 1883 in honour of Disraeli’s memory. Its objective was the promotion of Tory principles among the masses ‘viz. the maintenance of religion, of the estates of the realm, and of the Imperial Ascendancy of Great Britain’. On the Primrose League see: M. Pugh, *The Tories and the People 1880–1935* (Oxford, 1985).

²⁹ A. E. Pease, *Elections and Recollections* (London, 1932), pp. 191–2.

³⁰ The voting was as follows (figures from York Poll Book, 1865. Published by John Brown (York, 1865), p. 6):

Lowther plumpers: 1,919
splits with Leeman: 106
splits with Westhead: 52
2,077 (decl. poll was 2,079)

Leeman plumpers: 22
splits with Lowther: 106
splits with Westhead: 716
1,844 (decl. poll was 1,854)

Westhead plumpers: 3
splits with Leeman: 1,716
splits with Lowther: 52
1,781 (decl. poll was 1,792)

at the 1868 general election when he actually increased his majority at an election that was the first to take place after the enfranchisement of all rate-paying adult male occupiers in the boroughs, after the 1867 Reform Act. Lowther headed the poll with 3,735 votes, followed by Brown-Westhead who took the second seat with 3,279 votes, beating off John Hall Gladstone, a distant relative of the Liberal leader, who was nominated instead of Leeman – the latter having retired due to ill-health.³¹ For all that the 1868 general election witnessed the triumph of Liberalism across the nation, it was a qualified triumph in that the election also revealed pockets of working-class Conservatism – pockets that had been growing in strength throughout the 1860s, and not just in Lancashire, as the York victories testified. Even in neighbouring Leeds, which was regarded as a Liberal stronghold, the Conservative candidate topped the poll at the 1865 general election and, while their candidate was relegated to third place in 1868, the Conservatives nevertheless tripled their share of the popular vote.³² How were the Conservatives able to achieve their electoral coup in York?

The participatory and partisan nature of the York electorate begins to cast doubt on the applicability of conventional interpretations of mid-Victorian election behaviour. There was little that was sleepy and insular about the York electorate, and neither was it riddled with corruption or controlled by influential patrons – characteristics which were thought until recently to be the hallmarks of politics in ancient boroughs in mid-Victorian Britain.³³ There had been a highly developed sense of party in York since the early nineteenth century, if not before, when those excluded from the town's public affairs (mostly Tories) challenged the Whigs who controlled the old closed borough corporation.³⁴ This partisanship fuelled, and was fuelled by, regular parliamentary and municipal contests. The high level of partisanship was evident: at the 1865 general election only 4.1 per cent of the electorate split their votes between the two parties; the figures in 1868 and 1880 were only 3.4 per cent and 4.6 per cent respectively.³⁵

Similarly, as research on the reformed electoral system has convincingly demonstrated, it is unlikely that bribery determined voter allegiance on any significant scale since 'treating' was an integral part of electioneering, with both Conservatives and Liberals participating. As John Markham has argued in his study of nineteenth-century elections in East Yorkshire, 'voters saw it as right and natural that they should be recompensed for their support' and

³¹ The voting was as follows (figures from York Poll Book, 1868. Published by John Brown (York, 1868), p. 6):

Lowther plumpers:	3,504	Gladstone plumpers:	5	Westhead plumpers:	59
splits with Gladstone:	22	splits with Lowther:	22	splits with Gladstone:	3,011
splits with Westhead:	209	splits with Westhead:	3,011	splits with Lowther:	22
	3,735		3,038		3,279

³² For Leeds see M. Roberts, 'Villa Toryism and popular Conservatism in Leeds, 1885–1902', *Historical Journal*, 49 (forthcoming, 2006).

³³ E. Jaggard, 'Small town politics in mid-Victorian Britain', *History*, 89 (2004), 3–29.

³⁴ A. Peacock, 'George Leeman and York politics, 1833–1880', in Feinstein (ed.), *York 1831–1981*, pp. 234–54, at p. 234.

³⁵ Figures calculated from the 1865 and 1868 York Poll Books and the *YG*, 10 April 1880. Partisanship was also markedly high in 'unreformed' York: at the 1818 general election only 3 per cent of electors had split their votes. (O'Gorman, *Voters, Patrons and Parties*, p. 370).

that 'corrupt practices brought no more than a marginal advantage to any one party'.³⁶ There is evidence to suggest that both parties in York resorted to forms of intimidation and corruption, and there were accusations and counter-accusations that each side had 'purchased' support. In the aftermath of the 1865 general election it was alleged that Brown-Westhead, the Liberal candidate, had spent large sums of money buying votes, but this had not prevented Lowther from topping the poll.³⁷ In 1868 the Liberals believed that they had been victims of immoral and illegal influences. The Liberal *York Herald* was of the view that Lowther's support 'has been found through gold and silver, through intimidation, and through Bacchanalian revelry'.³⁸ The Liberals lodged a petition with Parliament to have Lowther removed, but this came to nothing due to lack of evidence.³⁹ The limits of 'corruption' were demonstrated at the 1880 general election when Lowther was defeated despite having officially spent over £4,390, the equivalent of over one pound for each vote.⁴⁰ Alfred Pease later recalled that Lowther, in an attempt to dissuade Pease from spending any money on his York constituents, had told him that the 1880 election had cost him over £7,000.⁴¹ Corruption was at best a lubricant that oiled the electoral machinery.

What then of explanations based on religion? In a city where the Church of England was the strongest of the religious denominations – nearly half of York's church-going population, according to the 1851 Religious Census, went to Church as opposed to Chapel – one has to conclude that Lowther must have benefited from the Conservative party's image as the defender of the Church.⁴² However, the Anglican community were neither a self-sufficient constituency of electoral support, nor was it innately Conservative. There was a strong minority tradition in York of Anglican support for the Liberal party, despite the latter's increasing association with Nonconformity, both nationally and in York.⁴³ In addition, although York was identified with the Church of England through its Cathedral, its position in the diocese and northern Province, it is important not to exaggerate the power of Anglicanism. Granted, the Church of England was by far the largest single denomination, but it was relatively weak when compared with other similar towns. Nonetheless, defence of the Established Church was undoubtedly a central plank in Lowther's platform. This took the form of opposition to the abolition of church rates in 1865, to the disestablishment of the Irish Church in 1868 and to the supposed threat to denomination schools in 1874, along with a more general defence of the 'National Church' in the face of secularists, atheists and disestablishmentarians.⁴⁴ Yet for all the emphasis that Lowther and the Tories placed on religious issues, it would be easy to exaggerate their importance as determinants of voting behaviour. For example, having personally conducted a canvass of the York electors prior to the 1868 election, Lowther remarked that very few voters troubled themselves about the

³⁶ J. Markham, *Nineteenth-century Parliamentary Elections in East Yorkshire* (Beverley, 1982), pp. 4 and 41.

³⁷ Peacock, 'George Leeman', pp. 248–50.

³⁸ *York Herald* [YH], 21 Nov. 1868.

³⁹ Peacock, 'George Leeman', p. 250.

⁴⁰ Feuchtwanger, *Disraeli, Democracy and the Tory party*, p. 205.

⁴¹ Pease, *Recollections*, p. 141.

⁴² Figures calculated from H. Mann, *Religious Worship in England and Wales* (London, 1854).

⁴³ YG, 31 Jan. 1874.

⁴⁴ YG, 8 Apr. 1865; 8 Aug. 1868; 31 Jan. 1874.

impending disestablishment of the Irish Church, but as if to counter, it was remarked upon by the Liberals that working men seemed fully conversant with the issue.⁴⁵ Either way, Lowther's election victories were hardly tantamount to an endorsement of Disraeli's attempt to put the Established Church at the centre of popular politics.⁴⁶ Given the working-class bias of the York electorate, allied to the fact that Anglicanism in York, as was the case elsewhere, was disproportionately middle class, it is fair to conclude that Lowther secured significant working-class support for reasons other than religious affiliation, which was at best only one aspect of popular political identity.⁴⁷ As C. S. Ford has argued in relation to south-east Lancashire – an area that was previously thought to be the epitome of sectarian Conservatism – 'the Conservative party was concerned to widen its base and not to be associated by the electorate exclusively with the Church of England'.⁴⁸ Similarly, revisionist work on Liverpool has concluded that: 'It is surprisingly difficult to locate any explicit appeal to sectarian identities within the formal political discourse of Liverpool Conservatism during the late nineteenth century.'⁴⁹ Lowther's bigotry aside, when he first came before the York electorate in 1865 he 'wished it to be distinctly understood that, although a Churchman, he was in favour of perfect civil and religious liberty, and free toleration to all sects and creeds'.⁵⁰ At the 1880 general election Lowther, by then Irish Chief Secretary in the Conservative government, was urging the English and the Irish to come together 'without distinction of class and race, without distinction of nations, [to] lend a helping hand to Ireland'.⁵¹ While this may have been little more than specious rhetoric, there is little evidence to suggest that Lowther tapped into the tradition of anti-Irish and anti-Catholic prejudice that existed in the city, a prejudice that had grown in response to the arrival of post-famine Irish migrants in the 1840s and 1850s.⁵²

II

Clearly, any account of Lowther's election victories which omitted the instrumental role of corruption and religious sectarianism would be incomplete. Nevertheless, it would be unduly reductionist to suggest that he and the Tories were passive beneficiaries of these factors, or of a more general innate Conservatism. Lowther's election victories were based on his ability to construct a broad-based coalition of voters, which, above all, was cemented

⁴⁵ *The Times*, 9 Nov. 1868; *YG*, 21 Nov. 1868.

⁴⁶ On this strategy see: A. J. Warren, 'Disraeli, the Conservatives and the National Church, 1837–1881', in J. P. Parry and S. Taylor (eds.), *Parliament and the Church, 1529–1960* (Edinburgh, 2000), pp. 96–117.

⁴⁷ On the middle-class bias of Anglicanism in York see: E. Royle, 'Religion in York, 1831–1981', in Feinstein (ed.), *York 1831–1981*, pp. 205–33, at p. 208.

⁴⁸ C. S. Ford, *Pastors and Polemicists: the character of popular Anglicanism in south-east Lancashire* (Manchester, 2002), p. 125.

⁴⁹ Sandra O'Leary, 'Re-thinking popular Conservatism in Liverpool: democracy and reform in the later nineteenth century', in Michael Turner (ed.), *Reform and Reformers in nineteenth-century Britain* (Sunderland, 2004), pp. 157–174, at p. 159.

⁵⁰ *YG*, 8 April 1865.

⁵¹ *The Times*, 20 Mar. 1880.

⁵² F. Finnegan, *Poverty and Prejudice: a study of Irish immigrants in York 1840–1875* (Cork, 1982).

by an appeal to civic ideologies of independence and by defending local privileges. What is particularly striking about this platform was that it drew on, and reworked, eighteenth-century traditions of electoral independence. In particular, this platform represented something of an attenuated 'country-party' ideology, albeit one that assumed a distinctly Tory and Yorkshire form.⁵³ The country-party ideology, originally developed by opposition Whigs and later adopted by the Anglican Tory squirearchy, was the response by these groups to their exclusion from power by the party of the 'court' who were the exclusive recipients of royal patronage. At its broadest level, this ideology also denoted a preference for the simplicity and virtues of provincial and rural England, a corresponding hostility towards the corrupting influences of 'city vice', trade and manufacture, and a general resistance to the centralising and monopolising designs of cosmopolitan Whiggery. Thus, country-party ideology underpinned notions of electoral independence: 'the customary means by which a constituency sought to emancipate itself from local electoral oligarchy.'⁵⁴ The electoral virtue of this 'country' patriotism was its flexibility and inclusiveness: this was originally an anti-party creed that was drawn upon by the whole political spectrum.⁵⁵ It was drawn on and adapted by radicals such as John Wilkes, Sir Francis Burdett, Henry Hunt and Feargus O'Connor in their various crusades against 'Old Corruption'. It also informed the Tory-Radicalism of Richard Oastler and Michael Sadler in their campaigns against 'factory slavery' and the New Poor Law. Arguably, it was this same ideology that fed into the powerful popular suspicion of party organisation, 'wire-pullers' and political cliques that characterised Victorian popular politics.⁵⁶

Whilst one would not want to push the analogy too far, there are definite echoes of this 'country-party' ideology in Lowther's platform. Lowther himself had something of the independent northern country gentleman about him. As *The Times* obituary noted of him: 'He had the gift of plain speech, and, in a colloquial phrase, "a rough side to his tongue" ... if his opinions were of the old-world cast, they were honestly held, with the rugged sincerity of a nature very typical of the north-country breed from which he sprang'.⁵⁷ His independent stance in Parliament and his stubbornness was certainly no detriment to his popularity with his supporters. Indeed, it was independence that was valued above all else, and underpinned civic ideology, which fed into 'country-party' ideology. Independence entailed rejection of servility and denoted generalised opposition to oligarchy. Thus, as Rosemary Sweet argues, civic ideologies of independence drew strength from a belief in the constitutional importance of boroughs and their chartered privileges, especially those pertaining to freemen, and drew upon local pride and a sense of inherited rights and status.⁵⁸

⁵³ On the country-party ideology see: H. T. Dickinson, *Liberty and Property: political ideology in eighteenth-century Britain* (London, 1977), ch. 5.

⁵⁴ M. McCormack, 'Metropolitan "radicalism" and electoral independence, 1760–1820', in M. Cragoe and A. Taylor (eds.), *London Politics 1760–1918* (Palgrave, 2005), pp. 18–37, at pp. 21–22.

⁵⁵ See Robert Harris, *Politics and the Nation: Britain in the mid-eighteenth century* (Oxford, 2002).

⁵⁶ For this anti-party spirit as an aspect of Victorian popular politics see: Lawrence, 'Popular politics and the limitations of party: Wolverhampton, 1867–1900'; J. Lawrence, *Speaking for the People: party, language and popular politics in England, 1867–1914* (Cambridge, 1998), ch. 7.

⁵⁷ *The Times*, 13 Sept. 1904.

⁵⁸ Sweet, 'English borough politics', pp. 87–8.

This 'country' platform therefore went beyond Lowther's personal character traits. The York Tories, and Lowther in particular, were keen to present themselves as the excluded 'under-dog', as the crusaders for 'fair play' in the face of local Liberal tyranny. The Liberals, it was argued, were always unfairly trying to monopolise the representation of York for themselves, and the 1865 and 1868 general elections were no exception. Introducing Lowther in 1865, Mr Husband, the chairman of Lowther's election committee, asked the York Tories 'whether they should consent to be put down, or whether they should manfully assert their privilege of being represented'.⁵⁹ Similarly, at the 1868 election Lowther indignantly remarked that 'the Conservatives have a fair right to possess one part of the representation of this city, they ask for no more, and they will accept no less'.⁶⁰ In the context of York this was not merely empty rhetoric. The association between Conservatism and fair play had a particular poignancy in York where the Conservative party had never been as identified locally with unjust privilege and oligarchy as was the case in places such as Leeds and Sheffield. This was to be explained by developments at the level of municipal politics. In contrast to Leeds and Sheffield where the Municipal Corporations Act of 1835 had ended years of local Tory domination, at York the Act broke the monopoly of the Whigs and gave power to the Tories.⁶¹ Whilst the Conservatives, under George Hudson, the fraudulent 'Railway King', came to dominate council politics from 1835 to 1856, their previous and subsequent exclusion from the city's affairs allowed the Tories to present themselves as the underdog and the defender of popular rights against the tyrannical and oligarchic tendencies of Liberalism. By the early 1860s the mantle of Hudson had passed to George Leeman, the undisputed leader of the York Liberals, who 'held complete sway over the corporation'.⁶² Leeman and his clique thus became the target of Tory and Radical criticism. This opposition was articulated in a local and county idiom.

Lowther, by articulating his political appeal in a language that stressed the virtues of straightforwardness, independence, self-help, freedom, fairness and honesty, was able to fashion a distinctly Yorkshire Conservatism that identified Liberalism as tyrannical, duplicitous and centralising: in short, as anti-Yorkshire. It was Lowther's connections with the county that were emphasised. As a Yorkshireman, he claimed to be 'deeply attached by old association' to York and his priority would be to attend to the city's local interests.⁶³ The York Tories had a tradition of selecting county gentlemen as a means of preserving the historic link between York and Yorkshire. Extolling the virtues of Lowther's status as a county gentleman, Mr Husband reminded the electors that: 'In former days they had been represented by Cavendish, by Sykes, by Petre, by Dundas, by Lowther – (cheers) – and latterly by Colonel Smyth' and 'the Liberal party may say what they liked, but he contended that it was of importance to the city to keep up the connection with the county'.⁶⁴ The attempt to preserve the link between York and Yorkshire also represented an attack on 'the

⁵⁹ *YG*, 8 Apr. 1865.

⁶⁰ *YG*, 21 Nov. 1868.

⁶¹ Peacock, 'George Leeman', p. 234.

⁶² Peacock, 'George Leeman', p. 244.

⁶³ *YG*, 1 July 1865.

⁶⁴ *YG*, 8 Apr. 1865.

back parlour clique',⁶⁵ as Lowther called Leeman and his followers, or the 'Quaker Junta',⁶⁶ as they were also known in radical circles. Here the Tories cast themselves as the country-party in opposition to the Liberal clique who dominated York politics. In particular, it was the re-nomination of Mr Brown-Westhead in 1865 and again in 1868, that Lowther and the Tories found objectionable. For all that Brown-Westhead had previously represented York for seven years this did little in Lowther's eyes to alter Brown-Westhead's illegitimate political birth as a carpet-bagger. Who was this Westhead, Lowther asked? 'He has no identity with, or interest in, the city of York, and never visits it except to partake of a city banquet.'⁶⁷ It had been determined, Lowther went on, 'by the back parlour clique that nobody directly or indirectly connected with Yorkshire should be a member for the city'.⁶⁸ The Tory *Yorkshire Gazette* chastised the York Liberals for having the sagacity 'to refuse the services of two or three Yorkshire gentlemen because their political views did not quite harmonise with the crotchets of the Whig-Radical school in York'.⁶⁹ As such, Lowther appealed to all those who 'abhor local tyranny of any kind' to 'rally round the Conservative standard'.⁷⁰

At the 1865 election Lowther's local claims to representation did not go uncontested since this was also the occasion when George Leeman, the popular local railway director, also stood for election in the Liberal interest. 'Citizen Leeman', as a local employer, civic dignitary and philanthropist, had strong local and popular credentials with the York electorate. Both Leeman and Brown-Westhead stood on a vague platform of 'peace, retrenchment and reform'.⁷¹ Yet for all that Leeman could lay claim to being a 'York man, born and bred',⁷² the Conservatives countered these claims and targeted Leeman as the epitome of Liberal dictation. The *Gazette* accused him of intimidating his employees at the railways works.⁷³ In addition, Leeman was held responsible for the £35,000 of debt that had been incurred in the building of Lendal Bridge: unnecessary expenditure since George Hudson had offered, it was claimed, to pay for the bridge out of his own pocket. The *Gazette* was indignant that Leeman, having dictated to the city in the matter of Lendal Bridge 'now seeks to dictate in the election'.⁷⁴ In addition to presenting themselves as the *liberal* alternative to the dictates of Leeman and the Liberals, the Conservatives also attempted to turn Leeman's local credentials against him by suggesting that his desire to enter parliament suggested that he was deserting York, as if he had somehow outgrown the city: 'Like many a Town Councillor and local celebrity, Mr. Alderman Leeman is an exceedingly ambitious man. He wants his light to shine before men in a more extended sphere than York is ever likely to afford him.'⁷⁵ As seen here, in this rather specious rhetoric, for Lowther and the Tories it was not just

⁶⁵ *YG*, 14 Nov. 1868.

⁶⁶ *YG*, 3 Oct. 1868.

⁶⁷ *YG*, 1 July 1865.

⁶⁸ *YG*, 14 Nov. 1868.

⁶⁹ *YG*, 21 Nov. 1868.

⁷⁰ *YG*, 1 July 1865.

⁷¹ *YH*, 8 Apr. 1865.

⁷² *YG*, 1 July 1865.

⁷³ *YG*, 8 July 1865.

⁷⁴ *YG*, 1 July 1865.

⁷⁵ *YG*, 1 July 1865.

about possessing local credentials, but the right *kind* of local credentials. In Tory eyes, Leeman was parochial. The *Gazette* concluded that there were 'too many railway directors in Parliament, and far too many local celebrities'.⁷⁶

The 1868 general election witnessed Lowther and the York Conservative party monopolise the politics of locality to an unprecedented degree when the Liberals nominated two 'carpet-bagger' candidates. Brown-Westhead was again nominated, and Leeman, having retired ostensibly on the grounds of ill-health, was replaced by John Hall Gladstone. The *Gazette* chastised the Liberals for having the temerity to nominate 'Two Lancashire men'.⁷⁷ Lowther was indignant that a 'slur had been cast upon the inhabitants of this great county, the largest in the kingdom, as a Yorkshireman had not been found by the Liberal party to represent the capital city of York',⁷⁸ and he 'exhorted the electors of York to 'vindicate their freedom and independence' and 'deliver the city from the thralldom in which it was now attempted to be held' [*sic*].⁷⁹ The *Yorkshire Gazette* also objected to Brown-Westhead on the grounds that, as the vice-chairman of the London and North Western Railway, 'his duty to his shareholders require[d] him to divert the through passenger traffic between London and Edinburgh from the York route for the benefit of his own railway'.⁸⁰ As for John Hall Gladstone, the *Gazette* mused: 'Why Yorkshire should be the refuge of the Gladstones we know not'. Objecting once again to outside interference, the *Gazette* found it objectionable that the only recommendation Gladstone had come from John Bright, whose 'interference with the representation of York is as gratuitous as it is impudent'.⁸¹ In summation, the *Gazette* warned that it would 'be a blotch on the shield of York should its interests be confided to two men, who, neither by residence nor by identity in any manner with our county, are concerned or acquainted with our affairs'.⁸² Lowther's victory at the head of the poll was the occasion for the remarks with which this article opened. As Brown-Westhead had previously represented the city it is not surprising that he took the second seat, defeating John Hall Gladstone.

It was against this background of local party dictation that Lowther, true to the spirit of the country-party ideology, championed the virtues of independence. Central to this stance was his attempt to tap into popular, and especially radical, hostility to dictation by local elites and their domination of local political structures. Speaking to a group of electors in the New Corn Exchange immediately prior to the 1868 election, Lowther told his audience that:

He was not a mere organ and puppet of an election coterie ... he had never allowed himself to be drawn by a cart-taff faction, but when he found in the course of duty that he differed from the leaders of the great Conservative party he never hesitated to say so. (Applause.) ... He would say that he did not appear before them as a mere nominee of any person, but was there as a free and independent candidate.⁸³

⁷⁶ *YG*, 1 July 1865.

⁷⁷ *YG*, 12 Sept. 1868.

⁷⁸ *YG*, 7 Nov. 1868.

⁷⁹ *YG*, 14 Nov. 1868.

⁸⁰ *YG*, 8 Aug. 1868.

⁸¹ *YG*, 26 Sept. 1868.

⁸² *YG*, 8 Aug. 1868.

⁸³ *YG*, 14 Nov. 1868.

This would have had a powerful resonance with radicals in York who were disaffected by Leeman's domination of Liberal politics. The country-party ideology also manifested itself in Lowther's attempts to present the Conservatives as the defenders of locality in the face of centralising Whig-Liberalism. Lowther and the Tories asserted the independence of the periphery from the centre, bemoaning the expensive, meddling and destructive actions of Liberal governments. Lowther assured the electors in 1865 that he would 'devote himself to the furtherance of your local interests, which I consider have been trampled on by the present Government'.⁸⁴ Mr Husband warned the electors on the eve of the 1868 election that it had been a Liberal government which had taken away the city's assizes – more evidence that Liberals threatened the autonomy and traditions of the city. Lowther and the Tories were strong advocates of minimalist government – of reduced expenditure and taxation, as well as being opposed to 'all unnecessary interference in the affairs of other countries'.⁸⁵ Lowther held to the tenet that 'the less legislation the better',⁸⁶ although there were occasional token nods towards social reform, such as the need to improve working-class dwellings.⁸⁷ This hostility to outside dictation and over-legislation also permeated his defence of popular pleasures, most notably the working-man's pint of beer, in the face of moralising Liberal Nonconformity. Although Lowther was 'desirous of checking drunkenness on the Sabbath and preventing its desecration, he would not be one to deprive the poor man of his beer. (Loud cheers.)'.⁸⁸ He reminded the working men at the 1874 general election that he 'had, as they well knew, always objected to any interference with the people as to their eating or drinking, considering that it was the inalienable right of every one to eat and drink what he liked'.⁸⁹ Lowther also voiced his opposition to the anti-Sabbatarian movement on the grounds that Sunday opening would deprive the working man of his day of rest.⁹⁰

As this rhetoric suggests, Lowther was deliberately targeting working-class electors, believing them to be the backbone of his electoral support. Ingratiating himself to this constituency of support at the 1868 election, Lowther stated that:

He had always said, and he said it again, that if it had not been for the working classes he should not have represented this city. They returned him to parliament at the last election, and they would again return him this time. (Cheers.) The freemen, who were half the constituency, returned him before as their representative, and they were of the working class, and if he was not very much mistaken they would send him again to parliament. (Cheers.)⁹¹

Ward committees of Working Men's Conservative Associations were already in existence by 1868.⁹² By 1874 the York Working Men's Conservative Association claimed to have 1,400 members.⁹³ Even the hostile Liberal *York Herald* was forced to concede the popularity

⁸⁴ *YG*, 8 Apr. 1865.

⁸⁵ *YG*, 1 July 1865.

⁸⁶ *Doncaster Gazette*, 15 Sept. 1904.

⁸⁷ *YG*, 1 July 1865.

⁸⁸ *YG*, 14 Nov. 1868.

⁸⁹ *YG*, 31 Jan. 1874.

⁹⁰ *YG*, 8 Apr. 1865.

⁹¹ *YG*, 14 Nov. 1868.

⁹² *YG*, 14 Nov. 1868.

⁹³ *YG*, 31 Jan. 1874.

of Conservatism with the working class in the aftermath of the 1868 general election, although it naturally alleged that Lowther had bought this support.⁹⁴ Yet there was substance, as well as style, to this Tory populist platform. Also reminiscent of the country-party ideology and the Tory-Radicalism of the 1830s, was their ambivalent, and occasionally hostile, stance towards industrialist employers. As Mr Husband reminded the working men at the 1865 election: 'The Conservative party were the true friends of the working class, as they had protected their children against the millocrats and millowners of the West Riding'.⁹⁵ Lowther was of the view that only the Conservatives could be trusted to mediate between capital and labour since 'a considerable number of them were landed gentry and were not for the most part great employers of labour'.⁹⁶ He was 'in favour of having working men protected ... from unjust demands upon the part of the employer'.⁹⁷ Again, this seemed all the more genuine when spoken by Lowther 'the country gentleman', which would have reinforced his populist credentials in the eyes of the working class who traditionally found independent gentlemen more acceptable than middle-class types who could be held responsible for their oppression.⁹⁸

As Lowther's rhetoric suggests, it was the freemen who were being specifically targeted. This was undoubtedly a constituency of support which had a vested interest in the preservation of the social and political status quo. In his 1915 survey of the development of the parliamentary franchise Charles Seymour noted that 'when the term freeman was used in municipal or parliamentary connection it borrowed all the exclusiveness, all the sense of bourgeois monopoly which hung about the trade guilds'.⁹⁹ What made this all the more salient was that by the 1860s the freemen were endangered electors, not least because the Liberals, and Gladstone in particular, had become preoccupied with finding ways to end the operation of this ancient franchise. This allowed the Conservative party to present itself as the defender of the freeman franchise, much as they had done in 1832 when the Whigs had also tried to terminate these ancient voting rights.¹⁰⁰ At the 1868 general election Lowther told one audience that Gladstone 'had always been a steadfast and unflinching opponent to the freemen of York and other places. 'Mr Gladstone', Lowther went on:

Had always pretended to be warm and interested in securing an extension of the suffrage amongst the working men of this country, but he had always been opposed to the freemen franchise. (Loud Applause.) By some statistics of 1867, it was fully proved that the freemen of England were not the most corrupt body of electors, as had been stated, but they were men of fidelity, and fully entitled to possess the franchise. He ... ventured to ask the constituency, composed as it was in great part of freemen, whether he was to be displaced from the representation of this city to make way for those whose recommendation to their favours was that they were prepared to be at the beck and call of one who ventured so to malign them. (Applause and disapprobation.)¹⁰¹

⁹⁴ *YH*, 21 Nov. 1868.

⁹⁵ *YG*, 7 July 1865.

⁹⁶ *YG*, 26 Sept. 1868.

⁹⁷ *YG*, 7 Nov. 1868.

⁹⁸ John Belchem and James Epstein, 'The nineteenth-century gentleman leader revisited', *Social History*, 22 (1997), 173–92.

⁹⁹ Seymour, *Electoral Reform*, p. 27.

¹⁰⁰ Seymour, *Electoral Reform*, pp. 30 and 87.

¹⁰¹ *YG*, 14 Nov. 1868.

Here we see Liberalism, and Gladstone in particular, chastised for being dishonest and tyrannical. By posing as the defenders of this ancient franchise, and securing the perpetuity of that franchise in 1867, the Conservatives positioned themselves as the protectors of popular privileges. Defence of the freeman franchise was central to civic ideology as this voting right issued from the chartered privileges of the borough. The Tories' defence of this ancient right prevented the York Liberals from fully capitalising on Lowther's initial opposition to a radical extension of the franchise – it will be recalled that he had initially opposed his own government's reform bill. As Lowther stated in 1865, only those 'persons in lodgings, clerks, payers of income tax and other respectable parties' should be given the vote.¹⁰² After all, as far as Lowther was concerned, most working men who deserved the vote already qualified as freemen. As for those who did not qualify, only lodgers were of concern to Lowther as many of these were 'members of the learned professions, intelligent foremen over workmen and labourers' and assorted others who 'contribute largely to the income and assessed taxes'.¹⁰³ On the declaration of the poll in 1868 he reminded the electors that the 'old constitution was essentially a popular constitution as it possessed many hundreds of electors who were freemen'.¹⁰⁴ However, one should not necessarily assume that freemen electors were automatically predisposed to Conservatism. For example, an analysis of the 1865 poll book based on a sample of every tenth freeman elector reveals that 79 voted for Lowther, 78 for Leeman, 73 for Westhead and 63 were undetermined. Of the 293 freeman electors in this sample only six split their votes across party lines.¹⁰⁵ Similarly, the compilers of the 1865 Poll Book noticed that of the 598 freemen who had taken up their freedom since the previous election in 1859, 309 voted Liberal and 287 Conservative.¹⁰⁶ According to contemporary political commentary it appears that political belief amongst the freemen was transmitted hereditarily. Lowther believed that 'there was no class amongst whom party feeling was stronger, or amongst whom hereditary political views descended in a straighter vein than amongst the working classes'.¹⁰⁷ That many freemen acquired their vote through inheritance may well account for this.

Given the nature of Lowther's constituency of support and his own background, it is not surprising that his Conservatism appeared backward-looking, defensive, resistant to change and vehemently anti-democratic. The compilers of the York poll book for 1865 remarked of Lowther that: 'his opinions are of an old-fashioned pattern, on a deep blue ground', but since he had 'polled a larger number of undivided votes than any one ever did before ... the fair assumption is that his opinions ... are in harmony with those of a majority of the electoral body', and none more so than the working class.¹⁰⁸

¹⁰² *YG*, 8 July 1865.

¹⁰³ *YG*, 8 Apr. 1865.

¹⁰⁴ *YG*, 21 Nov. 1868.

¹⁰⁵ These figures have been calculated from a database constructed from a sample of every tenth freeman elector from the 1865 York poll book, cross referenced with the 1865 electoral register held at York City Library.

¹⁰⁶ York Poll Book, 1865, p. 5.

¹⁰⁷ *YG*, 14 Nov. 1868.

¹⁰⁸ York Poll Book 1865, p. 5.

This helps to explain why the constitutional idiom featured so prominently in York Conservatism. The committee of the York Working Men's Conservative Association 'were of the opinion that the working class as a body are proud of the English constitution, and are anxious to uphold and preserve intact those noble institutions which had tended to make their country great and illustrious' – a constitution that the freemen had profited from.¹⁰⁹ Just as the freemen franchise was a hereditary privilege, so too had the constitution, in the words of Lowther, been 'inherited from a wise and provident ancestry' and it was the duty of working men to hand it 'down uninjured and unimpaired to a grateful posterity'.¹¹⁰ There was little place for democracy in this vision.

Notions of manly independence and honesty were deployed in a distinctly English and Yorkshire frame of reference against various democratic measures. This manifested itself most notably in Lowther's hostility to the introduction of the secret ballot. The advocates of the ballot were attempting to thrust on the electors 'the sneaking, cowardly, un-English, American system of voting'.¹¹¹ This was interpreted as an attempt to subvert the 'manly and open character of English institutions'.¹¹² Lowther gave his opposition a distinctly Yorkshire flavour:

We must imagine the voters walking up carefully and sneakingly to the polling-places, and there thrusting in their votes upon the sly, in a manner that any honest man would be heartily ashamed of. Just conceive any inhabitant of this city or any real bred Yorkshireman doing such a thing.¹¹³

No doubt radicals and a fair few Liberals of John Stuart Mill's kidney would have agreed. Thus, the Conservatives voiced their opposition to the ballot in a language that fused together popular conceptions of locality, gender and nation: Lowther's association of Conservatism with a militant Englishness was refracted through a masculine Yorkshire lens. He believed that the franchise was a trust 'for which its possessors are responsible to the whole community'.¹¹⁴ As such, he could 'never sanction a measure which must tend to lower the independent character of my countrymen'. For 'the examples of France and America clearly show that the Ballot and universal suffrage are no obstacles to tyranny and oppression'.¹¹⁵ Lowther and the York Conservative party's conception of Englishness was defined in opposition to this American and French democratic 'Other'. In his first ever election address to the city Lowther declared that he was:

Opposed to the wild democrat, who would reduce our glorious constitution to the level of American institutions, so productive not only of bloodshed and rapine, but also of a tyranny more intolerant than that of the worst despotic Government.¹¹⁶

¹⁰⁹ *YG*, 4 July 1868.

¹¹⁰ *YG*, 26 Sept. 1868.

¹¹¹ *YG*, 1 July 1865.

¹¹² *YG*, 1 July 1865.

¹¹³ *YG*, 8 July 1865.

¹¹⁴ *YG*, 1 July 1865.

¹¹⁵ *YG*, 1 July 1865.

¹¹⁶ *YG*, 1 July 1865.

As the example of the ballot demonstrates, even discussions of specific policies and legislative programmes could be articulated in the language of locality, thus illustrating the interdependency of local and national identities and idioms. That Lowther and the York Conservatives chose to couch their political appeal in these idioms confirms that they believed in the mobilising capacities of identities based on place, an identity which transcended class and religious divisions, and their electoral success suggests that such an appeal resonated with a significant proportion of the electorate.

III

Lowther's electioneering extravaganzas at York demonstrate that even 'dinosaur' figures could fashion a viable popular politics, and one that mounted a successful challenge to the Liberal political hegemony in its mid-Victorian heyday. The portrait from York thus lends further weight to the emerging critique of the 'currents of radicalism' school, which has exaggerated the successes of popular Liberalism during the 1860s and 1870s and diminished the points of tension within the Liberal coalition.¹¹⁷ The electoral performance of the Conservative party during this period also serves, to some extent, as a barometer for the level of tension within the Liberal party, although one would not wish to reduce the fortunes of Conservatism to a reflection of the periodic divisions within the Liberal alliance. Nevertheless, as seen with Lowther, he was able to make political capital out of radical hostility towards dictatorial Liberal elites. Notwithstanding the backward-looking and resistant nature of Lowther's platform it clearly resonated with some radicals. These tensions within the Liberal party had been a factor in York politics since the 1830s, and up until the 1850s this pressure was usually released through the nomination of a more advanced candidate at parliamentary elections to accompany the candidate chosen by Leeman and his clique. But as Leeman's grip tightened from the late 1850s the radical agenda was increasingly thwarted, and this led some to look elsewhere. If Leeman's Liberalism had been more advanced this might have mattered less, but as matters stood he seemed ever more cautious – except when it came to moralising about popular pleasures. Leeman's radicalism had always been rather weak: he had remained aloof from the Chartists, the Anti-Corn Law League and he was opposed to manhood suffrage.¹¹⁸ Thus, for all Lowther's opposition to the extension of the franchise and the ballot there were other aspects of his platform that radicals could closely identify with: as mentioned that was the virtue of the 'country-party' ideology and the rhetoric of electoral independence.

However, Lowther's electoral successes were the product of a specific historical conjuncture in the late 1860s, the basis of which was undermined thereafter. At the 1874 general election Lowther and the Tories were unable to voice their political appeal in the language of locality since the Liberals selected only one candidate in the person of 'Citizen

¹¹⁷ On these tensions see: A. Taylor, "The best way to get what he wanted": Ernest Jones and the boundaries of Liberalism in the Manchester election of 1868', *Parliamentary History*, 16 (1997), 185–204; N. Kirk, *Change, Continuity and Class: labour in British society, 1850–1920* (Manchester, 1998), pp. 94–5; Lawrence, *Speaking for the People*, p. 46.

¹¹⁸ Peacock, 'George Leeman', pp. 236 and 249.

Leeman'. It was difficult for Lowther to attack Leeman either as an outsider, or as a jumped-up city politician, since in 1871 he had replaced Brown-Westhead unopposed and so was a sitting MP at the dissolution in 1874. In addition, in consequence of their over-confidence, the Conservatives left themselves open to the charge of hypocrisy when, in addition to Lowther, they nominated Lewis Payan Dawnay as a second candidate. It was not that Dawnay was a carpet-bagger. As a younger son of a Yorkshire aristocrat with extensive property in the county and a staunch patron of the Church, he had good 'county' credentials, although the *Gazette* was forced to concede that 'Mr Dawnay was comparatively unknown to the electors prior to the election', which is undeniably true given the last minute decision to nominate a second candidate, to say nothing of Gladstone's flash decision to hold an election.¹¹⁹ The hypocrisy stemmed from the hitherto insistence by the Tories that each party was entitled to one of the York seats, and so long as they nominated only one candidate this insistence held good – however much it was based on tactical calculation. In nominating a second candidate the Tories no longer appeared to be paragons of 'fair play'. Leaving aside the flash decision to hold an election, and notwithstanding Dawnay's county credentials, it was unlikely that a relatively unknown candidate was going to dislodge either Leeman or Lowther, both of whom were already sitting MPs. On this occasion Leeman topped the polls. Unaccompanied by a carpet-bagger, and preserving harmony within the York Liberal party,¹²⁰ Leeman deployed his local credentials to maximum effect.¹²¹

In the York Tory camp, the 1874 general election was couched in a more national idiom. Reversing their stance from the two previous elections, the Tories were at pains to emphasise that 'local ties should not be considered' and informed the electors that they should vote according to measures and not men.¹²² Husband told the electors in no uncertain terms that 'the question was one of principle alone, whether the people shall be religiously educated or not, and whether the English Church should be disestablished like the Irish Church.'¹²³ This was even more evident at the 1880 general election, when Lowther actually lost his seat. It was more than ironic that the electors of York preferred an untried candidate to Lowther, on this occasion in the person of Ralph Creyke, a Liberal who topped the polls. Like Lowther before him, Creyke was a Yorkshire gentleman with local connections. Having retired for the second time due to failing health, George Leeman was replaced by his youngest son, Joseph Joshua Leeman, although interestingly his local and familial connections could not rival Creyke's position as a Yorkshire country gentleman. In a sentence that Lowther himself could have uttered, Creyke at his nomination meeting 'hoped they would allow him to call them brother Yorkshiremen. (Cheers.)'.¹²⁴ Arguably, Creyke's victory over Leeman junior

¹¹⁹ *YG*, 7 Feb. 1874.

¹²⁰ Leeman's neutral stance over the contentious Permissive Bill secured him the grudging support of radical nonconformity, which elsewhere revolted against mainstream Liberalism, producing some instances of rival candidatures. Neutrality became the acceptable minimum that qualified candidates for temperance votes. See D. A. Hamer, *The Politics of Electoral Pressure: a study in the history of Victorian reform agitations* (Sussex, 1977), p. 192.

¹²¹ *YG*, 7 Feb. 1874. The voting was as follows (figures taken from the *YG*, 7 Feb. 1874): Leeman: 3,880; Lowther: 3,371; Dawnay: 2,830.

¹²² *YG*, 31 Jan. 1874.

¹²³ *YG*, 29 Jan. 1874.

¹²⁴ *YH*, 17 March 1880.

provides further evidence that the city normally had a preference for a country gentleman. In this respect, Leeman senior had been an exception, and it is worth noting that he had been the first York resident to represent York since the 1820s. In addition, the Conservative party had been in government for the past six years and Lowther found that he was saddled with defending his government's record, of which he had played his part, first as Under-Secretary for the Colonies from 1874 to 1878, and then as Irish Chief Secretary – all of which served to reinforce the national focus of the 1880 election. Lowther's political style was always more suited to the opposition benches. After all, the 'country-party' platform was an ideology of political exclusion.

The national dimensions of the campaign were underlined when Gladstone's train, on its way from London to Edinburgh, arrived into York whereupon he alighted and gave a rousing speech attacking 'Beaconsfieldism': a pejorative term coined by Gladstone to denote Disraeli's, by then Earl of Beaconsfield, and the Conservatives' reckless, inefficient, expensive, and above all, iniquitous conduct of foreign and imperial affairs. Gladstone charged the government with being indifferent to freedom abroad, of weakening the empire through needless and costly foreign entanglements, and of contravening the principles of international law.¹²⁵ The Liberals presented the 1880 election as a great state trial in which the government was prosecuted for its past actions, especially its foreign policy.¹²⁶ Despite the early attempts of the York Conservatives to brand Creyke as a carpet-bagger, they too emphasised the national, even international, dimensions of the election. The *Yorkshire Gazette* bluntly told its readers that:

The two or three test questions at this election will be: shall we sanction Home Rule? Shall Ireland have a parliament of her own, and the Empire be dismembered? Or shall we insist upon that the Parliament of England still govern Ireland? Also that the foreign policy of the government, taken in its entirety has been such as commends itself to the common sense and the imperial instincts of Englishmen?¹²⁷

Consequently, Lowther was defeated in 1880 not because of who he was, but what he represented. On the platform he was subjected to an unprecedented barrage of heckling, with cries of: 'You're on your last legs' and repeated 'groans', 'hooting' and 'derisive laughter'.¹²⁸ In addition, as the Liberal *York Herald* pointed out, the Liberals approached the election with unparalleled unity and sense of direction. With a healthy dose of malice, the *Yorkshire Gazette*, choking on sour grapes, commented that:

The Liberals of York have, by dint of wooing the local Home Rulers and pandering to the crazes of the Teetotallers, have succeeded in ousting from the representation a gentleman who, by dint of reason of his political honesty and consistent refusal to truckle to their wishes, had made himself especially obnoxious to those parties.¹²⁹

Interestingly though, Lowther's electoral support was relatively stable across the period – 2,079 in 1865 rising to 3,735 in 1868 after the Second Reform Act, falling slightly to 3,371

¹²⁵ *YG*, 31 Jan. 1874.

¹²⁶ *Leeds Mercury*, 9 March 1880.

¹²⁷ *YG*, 1 Apr. 1880.

¹²⁸ *YG*, 17 March 1880.

¹²⁹ *YG*, 10 Apr. 1880.

in 1874 and rising, ironically, to an all-time high of 3,959 in 1880. Given the growth of the Liberal vote in 1880, from 3,880 in 1874 to 4,505 (the leading Liberal) in 1880 one can postulate that the Liberals benefited from an expanding electorate – the constituency had grown by 1,227 votes between 1874 and 1880 – and perhaps also from an increased voter turnout.¹³⁰

What is to be made of the role played by civic ideologies of independence in Lowther's electoral successes in the 1860s, the setback in 1874 and his eventual defeat in 1880? On one level it could be argued that election rhetoric was purely expedient, and that focusing on local and regional issues is to mistake style for substance, arguably the real intention of Lowther and the Tories. Based on this reading, all that happened in 1880, and to a lesser extent in 1874, was the denuding of an impoverished Tory platform. Yet such an interpretation is reductionist and fails to take seriously the language which was being used. The fact that issues like electoral independence, and local and regional identity continued to be invoked suggests that they continued to be relevant and were deemed to be important by a significant portion of the electorate. After all, Lowther was elected when he used such rhetoric and ousted when he did not. More importantly, it was not just Lowther and the Tories who invoked local issues and deployed localist idioms, as evidenced by Leeman in 1874 and Creyke in 1880. This suggests that local appeals were powerful, irrespective of party, *especially* if there were synergies with other supra-local issues: the abolition of Church rates and parliamentary reform in 1865; the disestablishment of the Irish Church and the freeman franchise in 1868; the question of religious education and the position of the 'National Church' in 1874; and the iniquities of Beaconsfield's foreign policy in 1880. The portrait that emerges from York suggests that there was no linear and immutable movement away from a politics couched in a distinctly local idiom to one more explicitly national and international in focus under the inexorable 'rise of party', complete with its integrating, disciplining and homogenising functions. In a telling and passing phrase, the *Yorkshire Gazette* noted of the 1874 election that one notable feature had been the *revival* of national party colours of blue and orange, not the arrival of them.¹³¹ What stands out is the continual interplay of local, regional and national identities throughout the late-Victorian and Edwardian periods.¹³² After all, Lowther and the Tories had not been the victims of the nationalisation of politics *per se* in 1880; rather they had lost the local card to the Liberals, albeit at a time when the latter were benefiting from national political developments.

All this begs the question of just how typical York was in the context of mid-Victorian popular politics. For all that York was an old freeman borough, awkwardly positioned between the smaller market towns and the burgeoning industrial boroughs, it is worth remembering that Victorian 'urban politics cannot be reduced to the politics of ... great cities, not least

¹³⁰ The voting was as follows (figures from *YG*, 10 Apr. 1880):

Lowther plumpers: 3,578;	Creyke plumpers: 32;	Leeman plumpers: 25
splits with Creyke: 233;	splits with Lowther: 233;	splits with Creyke: 4,240
splits with Leeman: 148	splits with Leeman: 4,240	splits with Lowther: 148
3,959	4,505	4,413

¹³¹ *YG*, 7 Feb. 1874.

¹³² See Lawrence, *Speaking for the People*, passim, esp. ch. 6.

because ... the typical “urbanite” continued to reside in the medium-sized town, with 50,000 to 100,000 inhabitants, rather than in the large city’, which makes York more representative of urban politics generally than initially appears to be the case.¹³³ Nevertheless, situating York within the wider context of mid-Victorian popular politics does suggest that the city’s electoral culture was fairly typical. In this respect, three main interlinked points emerge. Firstly, the powerful anti-party spirit that pervaded Victorian popular politics represented a re-working and updating of the eighteenth-century ‘country-party’ ideology and associated culture of electoral independence. Various attempts were made by disaffected political groupings to use civic loyalties as a stick to beat political opponents, usually Liberals. Many places had their own localised incarnation of ‘Old Corruption’, and the way in which opposition to it manifested itself was temporally and spatially specific, contingent upon the political dynamics of the locality in question. In parts of the Black Country and Lancashire the power of the local Liberal elite was so entrenched that popular hostility towards them fuelled the rise of popular Conservatism, as was also the case in York.¹³⁴ By contrast, in places where either the Tory party was weaker or the position of the Liberal elite less secure, this discontent could take the form of independent radical politics, as was the case in London and Nottingham.¹³⁵ Far from being able to reduce election behaviour to underlying social cleavages, the article provides further evidence of the diverse, fluid and unstable nature of Victorian popular politics. Secondly, in tracing the evolution of popular Conservatism across the nineteenth century it is evident that the late-Victorian incarnation owed a great deal to the ‘country-party’ ideology, what with the Conservative party’s emphasis on local and national patriotism and by presenting itself as the custodian of national as opposed to party interests along with its defence of traditional ways of life. Historians need to pay more critical attention to localism and regionalism as a facet of popular political identity. Thirdly, this article has also argued that electoral politics in York conform more to the political culture of the pre-1832 ‘unreformed system’ rather than any so-called ‘modern’ system of party politics. The purpose of doing so is not to paint York politics in a negative and reactionary light, although the city’s politics could be both these things; rather, that the persistence of local issues and civic notions of independence, the reactionary nature of Lowther’s politics, and the pre-industrial composition of the York electorate provide further evidence that the vibrant and participatory electoral culture associated with later Hanoverian and early Victorian England survived into the 1870s. Indeed, there is little evidence to suggest that popular politics had been ‘disciplined, regulated and disabled’ by the 1870s as

¹³³ Lawrence, ‘The dynamics of urban politics, 1867–1914’, in Lawrence and Taylor (eds.), *Party, State and Society*, pp. 79–105, at p. 79.

¹³⁴ For the Black Country see Lawrence, ‘Popular politics and the limitations of party’ in Biagini and Reid (eds.), *Currents of Radicalism*. For Lancashire see Joyce, *Work, Society and Politics*; Kirk, *Labour and Society in Britain and the USA*, vol. 2.

¹³⁵ On London see A. Taylor, ‘After Chartism: metropolitan perspectives on the Chartist movement in decline, 1848–60’ in M. J. Turner (ed.) *Reform and Reformers in nineteenth century Britain* (Sunderland, 2004), pp. 117–35; A. Taylor, ‘A melancholy odyssey among London public houses’: radical club life and the unrespectable in mid-nineteenth-century London’, *Historical Research*, 78 (2005), pp. 74–95. For Nottingham see A. C. Wood, ‘Sir Robert Clifton, 1826–69’, *Transactions of the Thornton Society*, 57 (1953), 48–65.

argued by James Vernon.¹³⁶ Lowther's election victories were not the product of a rigidly controlled party bureaucracy, indoor 'ticketed' public meetings, or of a more general insidious attempt to undermine the open, boisterous and libertarian politics of the street – innovations that Lowther would have undoubtedly dismissed as 'unmanly'. Indeed, it was Lowther's acceptance of this open political culture that legitimised his claims to represent the people. Beyond York, forthcoming work by Jon Lawrence and Kit Good will suggest that this robust, masculine and participatory electoral culture even survived into the early twentieth century.¹³⁷

Yet for all that York's electoral culture was typical of mid-Victorian popular politics the pattern of electoral success was less typical. There can be little doubt that in York this pattern deviated from the national trend, with the Liberals performing badly during the late 1860s when they were doing well elsewhere, and improving at the 1874 and 1880 general elections when Liberalism was beginning to decline in other large urban centres. Nevertheless, that Lowther was able to top the poll at the 1865 and 1868 general elections hardly made York exceptional: in 1865 Conservative candidates topped the poll in fifty-two of the sixty-three English boroughs in which the party won seats. At the 1868 election Conservatives headed the poll in fifty-eight of the seventy English boroughs in which they were victorious. What does appear to be more exceptional, however, is the declining performance of Lowther and the York Tories in the 1870s – a time when the Conservative party was beginning to win in other large urban centres, particularly evident at the 1874 and 1880 general elections. But even in this respect the extent of York's exceptionalism needs to be qualified. Arguably, the electoral performance of the Conservative party in York during the 1870s seems less impressive *vis-à-vis* its transformation in other large urban centres precisely because the party had always been a force to be reckoned with in York. This was not the case in places like Birmingham, Sheffield and London where the Tories had been confined to the electoral doldrums during the mid-Victorian period. Thus, when compared with other established towns and cities – such as Bristol, Coventry, Grantham, Leeds, Norwich and Southampton, i.e., those places with a long established powerful Conservative interest – York appears less idiosyncratic. There would be no dramatic 'transformation of Conservatism' in these places during the last decades of the nineteenth century as there would be in Birmingham, Sheffield

¹³⁶ It is Vernon's wider contention that 'despite laying the legislative foundations of liberal democracy in 1832 and 1867, English politics became progressively less democratic during this period'. Vernon, *Politics and the People*, pp. 8–9. Whilst the present article shares the argument of Vernon and others that there existed an inclusive popular politics before 1832, it rejects his argument that this politics was eroded between 1832 and 1872, which, in any case, is difficult to reconcile with Vernon's own argument that political parties in Westminster after 1832 were widely rejected in the nation in favour of local, idiosyncratic leaders, symbols and loyalties. For a critique of Vernon's argument concerning the disciplining of popular politics see: J. Lawrence, 'The decline of English popular politics?', *Parliamentary History*, 13 (1994), 333–7.

¹³⁷ Jon Lawrence, 'The transformation of British public politics after the First World War', *Past and Present*, 190 (forthcoming 2006); Kit Good, 'Platform manliness and the physical ordeal of campaigning', in Matthew McCormack (ed.), *Public Men: political masculinities in modern Britain* (Palgrave, forthcoming 2006).

and London.¹³⁸ In some of these older urban centres the electoral apogee of popular Conservatism was reached in the mid-Victorian years, the existence of which suggests that historians need to rethink the notion of an immutable and linear transformation of Conservatism in the late nineteenth century.

¹³⁸ For the classic statement of the 'transformation' narrative see J. P. Cornford, 'The transformation of Conservatism in the late nineteenth century', *Victorian Studies*, 7 (1963), 35–77.

NOTE

ST. CHAD'S CELL AT MEANWOOD, LEEDS

By Lawrence Butler

In the previous Journal (77 (2005), 268) there was published a family photograph of Miss Mary Kitson Clark and her cousin Miss Christine Kitson seated in "St. Chad's Cell", described as an arbour or folly outside the Kitson house at Meanwoodside. In his article Stephen Briggs suggests (p. 269) that this folly was built of materials from a demolished chapel or church. The name, the architectural form and the sculptural detail all supports the view that this was part of the inner sanctuary wall from the demolished apse of St. Chad's church, Far Headingley, $\frac{3}{4}$ mile (1 km.) south-west across the Meanwood Beck.

The church of St. Chad, Far Headingley was consecrated in January 1868, having been built by the Leeds architect W. H. Crosland (1834-1909) to designs suggested by the land-owner and patron Edmund Beckett Denison, later the first Lord Grimthorpe. The design was a fourteenth-century Gothic with an aisled nave of six bays, a pentagonal apse, modelled upon Lichfield cathedral, and a west tower with a spire rising to 186 feet (57.23 m.). The outer aisle of the apse was divided by timber partitions into two vestries and an organ chamber. Raised on two steps was the sanctuary with a stone screen of five segments dividing the elevated area from the surrounding aisle. The choir stalls were in the easternmost bay of the nave. The window design of the apse at ground level and at clerestory level exactly matched that of the still surviving nave with two light Gothic windows lighting the aisles and single lancets lighting the clerestory. In 1909 a Faculty was granted to demolish the eastern apse and replace it with a much larger square-ended and aisled chancel. This was built by John Gibbons (1850-1935) of Manchester and his son John Harold Gibbons (1878-1958), and the enlarged church was opened in 1911.

As a result of the decision to demolish the apse at St. Chad's, the materials from that church would be available from 1909 onwards. What appears to be shown on the Kitson Clark photograph are three sections out of five from the inner sanctuary wall; there is the same blank arcading with Gothic cusping that is shown on the architect's plans. The floral capitals are small scale versions of the surviving nave capitals (by Mr. Ruddock of London) and the circular floral paterae can be matched in St. Chad's and at Lichfield. The newness of the stonework forming the back wall of the garden 'Cell' is to be explained by the fact that the original wall carried mosaics, some of which were relaid in the north aisle floor of the enlarged chancel. The benches on which the two children and their dolls sit are also new features. When the photograph was taken, c. 1915, the folly would be about 5 years old.

Reference: J. Sprittles, *St. Chad's Parish Church, Far Headingley, Leeds, Centenary Year 1968: The First Hundred Years*. 20 pp. (no publisher or date)

OBITUARY

MAURICE BERESFORD, M.A., D.LITT. (HON.), F.B.A. (1920-2005)

Our Society has been fortunate that one of this country's leading economic historians chose to devote so much of his time and good-will to the interests of Claremont and its members. Although Professor Beresford was a scholar of national importance, associated especially with medieval village desertion and with new town plantations, this appreciation will emphasise his local contributions.

Maurice was a big man, in physical bulk, in booming voice and infectious humour, in the magnitude of his projects and in the generosity of his spirit. Born an only child, he was educated at Sutton Coldfield before reading history at Jesus College, Cambridge. He was employed first in London and then in Birmingham on social work schemes, prompted by his socialist conscience and concern for the deprived in wartime society. He soon moved to an adult education centre in Rugby where his latent interest in medieval landscapes and village desertion could develop through local fieldwork in Warwickshire. His appointment as a lecturer in economic history in the School of Economics at Leeds University in 1948 enabled him to research further into landscapes and villages, both through fieldwork across Yorkshire and also by excavation at Wharram Percy. His survey of deserted medieval villages in Yorkshire was published in this journal in four instalments (1951-4) and was his only contribution to the journal apart from a paper on glebe terriers and open fields (1950) and a few reviews.

The Warwickshire and Yorkshire deserted medieval village surveys established a pattern of scholarship based on national and local documents, maps and early photographs, and direct field observation. Beresford's skill lay in identifying a historical phenomenon, researching the topic thoroughly at local or county level and then on that firm foundation widening the study into a national survey. This technique was successfully applied to medieval 'New Towns'. It was later used in early modern Leeds, examining first a compact group of streets and then tackling the bigger canvas of the Victorian city. The national study *The Lost Villages of England* (1954) led directly to his promotion to Reader in the following year, while his landscape study, jointly with Kenneth St. Joseph, *Medieval England: an aerial survey* (1958) was soon followed by his appointment to a newly-created post as Professor of Economic History. His inaugural lecture *Time and Place* (1961; enlarged book 1985) highlighted his two abiding emphases in economic history rather than person, motivation or deed: it was history with its feet planted securely on the ground.

As a professor he was expected to participate fully in administration as dean or chairman of academic boards. These duties were carried out firmly but always fairly. More eagerly awaited were his contributions to Senate debates where he could deftly puncture the pomposity of the self-important or could in a few pithy sentences expose the frailty of some 'management-speak' argument. This was an acerbic aspect he never displayed among the community of fellow researchers at Claremont.

The excavations at Wharram Percy on the chalk wolds of east Yorkshire were begun in

1950 as a trial to verify the documentary evidence and to establish a date for the village's desertion. This work continued for 40 years each July with Maurice as the social organiser or camp manager but with John Hurst providing the archaeological expertise for a loyal band of volunteers who endured the fairly primitive living conditions in a spirit of camaraderie. Many of these participants also assisted Maurice and John in running the Deserted Medieval Village Research Group until the two leaders 'retired' in 1986. This retirement was marked by a joint festschrift *The Rural Settlements of Medieval England* edited by three of their junior assistants, all of them now professors. The partnership of "the prolix professor and the taciturn Man from the Ministry" provided a research stimulus that extended throughout the British Isles and across Europe. This was the longest and most fruitful of a number of collaborations with fellow scholars and younger research students, as Maurice was always willing to share his expertise rather than jealously guard his own vast store of knowledge.

After deserted villages Maurice sought a fresh challenge which he found in medieval 'New Town' plantations and failures. Again his local studies into settlements such as Wyke-on-Hull, Hedon and Ravenserodd on the Humber estuary formed a secure foundation before expanding the survey to cover all England, Wales and Gascony. This substantial publication (1967) was again followed by a change of direction. First was a sabbatical year spent at the College of William and Mary in Virginia where he was delighted to have the 'new town' of Williamsburg on his doorstep. Secondly he concentrated increasingly on Leeds, initially analysing the streets around the university where a memorable series of lectures and guided tours became *Walks Round Redbrick* (1980). This was followed by a thorough exploration of the local housing divide between artisan and factory owner in *East End, West End: the face of Leeds during urbanisation, 1684-1842* (1988). In both cases he recorded the changes through documents, photographs and direct observation ahead of building demolition. Professor Beresford's retirement in 1985 was marked nationally by his election as a Fellow of the British Academy and, locally, by a characteristically reminiscent and frank exaugural lecture. Maurice was an excellent teacher and a witty and entertaining lecturer. He almost always used slides which prompted so many personal digressions that an hour's lecture often extended far beyond the allotted time. Four honorary degrees and the post of Visiting Professor in Urban History at Strathclyde further distinguished his retirement, but his elevation to the title of emeritus professor and an honorary degree from the university he had served so faithfully gave him particular pleasure. He was also honoured when eighteen of his university colleagues contributed to an eightieth-birthday festschrift volume of *Northern History*.*

At Claremont he was an active Patron to the Thoresby Society for over 20 years. To our own Society he gave almost unbroken service on Council from 1961 until he was elected Vice-President in 1987. He also served on the library and the editorial committees, attending assiduously and participating constructively, more especially after he moved from Adel to a house adjacent to Claremont. In Council a gently remonstrative comment could take the acrimony out of some hotly debated topic or a succinct contribution could give new focus and clarity to an otherwise meandering discussion. His penetrating questions at lectures, after an apparently comatose hour, would highlight some point left imperfectly explained or might add a pertinent example from a little-known documentary source. However there was never a parade of his own knowledge from any sense of superiority or to belittle the lecturer.

It was always the charitable side of Maurice that we saw at Claremont.

His charity of action extended to visiting the socially deprived, young offenders and prisoners, and to hosting the strangers, whether touring actors or opera singers. His help also benefited the underdog – literally so with his succession of more-or-less house-trained mongrels of unprepossessing appearance. His fond dedication in *Walks Round Redbrick* is to ‘Lulu, companion in the walks whose four feet were usually there first’.

In his retirement Maurice was very much at home in Claremont: indeed it might be regarded as the parlour and library extension of his own terraced house. Now at his death with characteristic generosity his two adjoining houses have become an extension of our premises and a resource donated for the society’s benefit and its pursuit of scholarship. We shall remember Maurice for his breadth of interests, his easy companionship and his generosity of spirit. We elected him as our vice-president but he has in reality become our patron.

Lawrence Butler

* E. A. Kirkby, ‘Maurice Beresford, the man, time and place’, *Essays on Northern History in honour of Maurice W. Beresford: Northern History*, 37 (2000), 1-12.

BOOK REVIEWS

FERRYBRIDGE HENGE THE RITUAL LANDSCAPE. Archaeological Investigations at the Site of the Holmfield Interchange of the A1 Motorway. Yorkshire Archaeology 10, 2005. ed. I. Roberts. 30.3 x 21.7cm. Pp ix and 278. Figs.141. Plates 32. Tables 26. Archaeology Services WYAS. £20 p+p £7. ISBN 1 870453 36 0.

This excellently produced monograph describes, in the main, the excavations that took place between 2001 and 2002 in advance of the A1 road improvements to the west of the Ferrybridge henge. I say, in the main, because also included are earlier pieces of work which remained either unpublished or published in interim form such as the two timber circles to the ESE of the henge (excavated in 1989), a trench over the field system and pit alignment (1990), the trenches through the henge itself (1991) and the trench excavated through the complex prior to the construction of the Yorkshire Water pipeline (1992). It is excellent to see this body of information brought together in a comprehensive and fully integrated way.

The volume follows the basic format of the excavation report with sections on the local geology and topography, aims and objectives, past work and the current state of knowledge. There then follows a detailed account of the excavations, chronologically based from the Neolithic to the post Roman period. Specialist contributions discuss the artefacts (again chronologically ordered), the environmental investigations (including chemical analyses of the human bone – not strictly speaking environmental) followed by a discussion and synthesis. Various appendices support the main text.

The text is also supported by numerous illustrations which include colour line drawings and full colour photographs. Often the excessive use of photographs lets down some volumes as their reproduction can often leave something to be desired. Not so with this volume: they are extremely well reproduced and the colour certainly enhances the volume. A quibble may be the use of a separate numbering system for plates and illustrations (I've always found this unnecessary unless the plates are grouped together) and many of the section drawings are somewhat schematic and look much more simple in the drawings than they appear in some of the photographs. However the close integration of text and illustrative material is generally excellent.

The section on the excavated sites themselves is comprehensive in its description and coverage. Based more or less chronologically, each site (ring ditch, timber circle, hengiform, pit alignment, field systems etc) is discussed separately and in detail accompanied, as already said, by excellent plans and photographs. The section is also well-written, easy to use and the identification of contexts cited in the text is easy on the well-labelled plans. The paucity of finds is an area where the present writer feels empathy with the Ferrybridge team but nevertheless a suite of (generally) well-chosen radiocarbon dates saves the day. These dates are listed in appendix 3 though the calibration curve and methodology used are not cited. I'd also have preferred to have seen the probability of the date ranges illustrated on figs 123 and 124 for otherwise it makes dates with large ranges rather difficult to interpret. To what extent, for example, are the Neolithic dates being trapped by the 'Middle Neolithic Plateau' in the calibration curve? And does the early date for timber circle 165 really extend the date range for timber circles (p199) when it is derived from oak charcoal? (Indeed, quite a few of

the Neolithic and Bronze Age dates are oak-derived –Appendix 3 – which lessens their reliability considerably). Perhaps there is a slight tendency to accept 14C dates at their face value.

Despite the paucity of artefacts, there are some rather nice Beaker assemblages from the barrows and these are discussed in section 3. This section is perhaps the weakest part of the volume. The late Neolithic sherd is listed as illustrated on fig 108 but it is nowhere to be seen. There is little discussion of the technology of the ceramics nor indeed of their degree of completeness and thus their roles in the burial ritual. The later prehistoric and Romano-British ceramics are rather better treated with a discussion as to function analysis and deposition. The flint artefacts are also described and discussed well as is the rather spectacular Bronze Age and later metalwork. However because of individual specialisms, we have grave groups being split between various sections. Thus a Beaker grave group will be divided between, pottery, flint and bone artefacts and nowhere does it appear as a single assemblage (though admittedly the K19 grave group appears as a ‘Symbols of Power’ type photograph on p48).

The environmental section includes analysis of the human bone and some of the old questions about body completeness and the revisiting of graves raise themselves between the lines but are not, unfortunately tackled. Interestingly the instances of traumatised skeletal material seems quite high so at least this flavour of the month is on offer. As is isotope analysis though the fact that the skeletons were locals who ate herbivores is, perhaps, a less than astonishing conclusion. Sections on faunal remains, carbonised remains and soils complete the palaeoenvironmental picture.

The general discussion section by Roberts and Richardson is an excellent resume and synthesis of the importance of the excavations and places each element of the site in its broader context with some interesting thoughts on monument orientation and alignment. There is a particularly fine discussion of the later Iron Age field systems and other elements as well as an overview of the development of the complex.

Despite my quibbles, this is an information-packed volume on an area that has for some time been regarded as a bit of an archaeological (certainly prehistoric) desert. It is certainly a welcome addition to my bookshelves and I hope it reaches the wide audience that it deserves.

Bradford

Alex Gibson

EXCAVATIONS AT TOPHAM FARM, SYKEHOUSE, SOUTH YORKSHIRE. A LATE IRON AGE AND ROMANO-BRITISH SETTLEMENT IN THE HUMBERHEAD LEVELS. By I. ROBERTS. 29.5 x 21 cm. Pp. iv and 33. Figs. 24. West Yorkshire Archaeology Service (Archaeological Services WYAS Publication 5) Morley. 2003. £5.00 (p+p £0.75). ISBN 1 870453 34 4.

TWO LATE IRON AGE/ROMANO-BRITISH SETTLEMENT SITES NEAR WHITWOOD, WEST YORKSHIRE. By A. BURGESS and I. ROBERTS. 29.5 x 21 cm. Pp. iv and 39. Figs. 33. West Yorkshire Archaeology Service (Archaeological Services WYAS Publication 6) Morley. 2004. £5.00 (p+p £0.75). ISBN 1 870453 35 2.

THE IRON AGE SETTLEMENT AT LEDSTON. A REPORT ON THE EXCAVATIONS OF 1976 AND 1996. Edited by I. ROBERTS. 29.5 x 21 cm. Pp. iv and 36. Figs. 15. West Yorkshire Archaeology Service (Archaeological Services WYAS Publication 7) Morley. 2005. £5.00 (p+p £0.75). ISBN 1 870453 37 9

ARCHAEOLOGICAL INVESTIGATIONS AT MORTON LANE, BEVERLEY, EAST YORKSHIRE. By R. McNAUGHT and A. WEBB. 29.5 x 21 cm. Pp. iv and 44. Figs. 21. West Yorkshire Archaeology Service (Archaeological Services WYAS Publication 8) Morley. 2005. £5.00 (p+p £0.75). ISBN 1 870453 35 5.

THE MEDIEVAL CELLAR AT PONTEFRACT CASTLE. By I. ROBERTS. 20 x 21 cm. Pp. ii and 22. Figs. 22. Plates 15. West Yorkshire Archaeology Service, Morley. 2005. £2.00 (p+p £0.75). ISBN 1 870453 38 7

Publications available from Archaeological Services WYAS, PO Box 30, Nepshaw Lane South, Morley, Leeds, LS27 0UG. Cheques payable to 'Wakefield Metropolitan District Council'.

A quick search of the Oxbow Books website failed to reveal any of the volumes listed here – a great pity for those not 'in the know'. To leave Pontefract Castle aside for a moment the first four of the publications considered here form valuable additions to the Archaeology Services (WYAS) Publications series. This 'Occasional Series' as it is termed on their website continues to provide a vehicle for getting regionally important material into the public domain, much of which would either remain buried in 'grey lit' reports and only accessible by visiting the relevant Historic Environment Record (SMR) – future online access may alleviate this difficulty. However who wants to wait?

The Topham Farm report describes the investigation of nine ring-gullies (roundhouses) that form part of a Late Iron Age and Romano-British enclosed settlement (second or first century BC to early third century AD), with two major phases being recognised within the excavated evidence. The structures were set within two major enclosures, within which further sub-enclosures were identified. The site produced a significant assemblage of Late Iron Age pottery as well as a reasonable assemblage of Roman pottery, and small quantities of flint, fired clay, animal bone and charred plant remains – the latter providing the material for seven radiocarbon (AMS) dates. The discovery of the site is described as 'serendipitous' given that prior to a speculative evaluation in advance of clay extraction 'there was no evidence to indicate that there had been any activity in the Sykehouse area prior to the Medieval period' (p. 5) and geophysical survey had only revealed recent field drains. The Iron Age pottery assemblage (110 or 111) sherds representing a maximum of 93 vessels) is particularly significant, given the paucity of pottery of this date in South and West Yorkshire. The Discussion chapter summarises the chronology and phasing, the form of the settlement and nature of the structures and briefly considers the limited evidence relating to the economy of the site before looking at it in its regional context. With respect to the latter it is suggested that the location of the site challenges the claim that the settlement of the Humberhead Levels was a short-lived Later Roman phenomenon, although the Levels likely function as political and cultural boundary during the Later Iron Age and the early Roman period stands.

The two excavations, on sites some 2 km apart, considered in the Whitwood volume lie

south-west of Castleford and again primarily deal with evidence from the Late Iron Age and Romano-British periods, although one of the sites (Low Common) produced a small quantity of lithics of Mesolithic or early Neolithic date and some 91 sherds of medieval pottery, the latter apparently from at least five sub-phases of agricultural activity primarily of early twelfth to late thirteenth century date. At Low Common the structural sequence starts with a rectilinear field system possibly incorporating a double-ditched trackway, D-shaped enclosure and possibly a further rectilinear enclosure of late Iron Age or Early Roman date. This layout is replaced by a co-axial field system based on east-west sub-divisions between the major ditches of the preceding phase and incorporating evidence of possible occupation in sub-enclosure A located in the north-west corner of Enclosure VI and suggested as being of second-century date. The succeeding phase (? of second- to third-century date) was defined by the creation of a further sub-enclosure (B) in the south-east corner of Enclosure VI incorporating a clearly defined roundhouse – the evidence did not preclude the contemporary occupation of the two sub-enclosures. A fourth phase of occupation is suggested as belonging to the later Roman or sub-Roman period on stratigraphic grounds. The Whitwood Common report presents the evidence from the investigation of two phases of enclosure, the first, which incorporated a plough-damaged roundhouse, was of Late Iron Age to second-century date and the second of probable third- to fourth-century AD date. A curvilinear gully located west of this later enclosure may represent a vestige of a contemporary roundhouse, although this possibility is treated with caution by the authors. Interestingly, as with the later Roman or sub-Roman occupation at Low Common the later occupation at Whitwood Common apparently represents the partial reuse for linear features from the apparently abandoned earlier phases. A further shared phenomena is the existence of curvilinear gullies within the roundhouses at both Low Common and Whitwood Common, although they may be unassociated, a similar relationship is noted at Normanton. Ian Roberts provides a useful discussion of the sites in the context of the hinterland of Roman Castleford, noting that ‘parts of the landscape around Castleford were clearly extensively exploited in the immediate pre-Roman Iron Age’, but at the same time noting that while one cannot dismiss a link between the expansion of agriculture and the Roman military ‘... few excavated sites have yielded sufficient environmental ... evidence to support any notion of them being specialist arable or livestock producers (p. 35). Issues of landscape change and the nature of the later Roman occupation are also considered.

The Ledston volume reports two excavations undertaken 20 years apart in 1976 and 1996 on a cropmark complex located on the Magnesian Limestone north of Castleford apparently consisting of three irregular field units. In 1976 a single trench was excavated in response to agricultural erosion and three trenches excavated in 1996 formed part of the mitigation of the Yorkshire Water drought relief scheme. The earlier excavation targeted a concentration of pits that subsequently entered the literature as representing a large grain storage area, an interpretation that the report considered here challenges, preferring the concept of structured ritual deposition, with two pits incorporating human burials, one of which was radiocarbon-dated to the fourth to second centuries B.C. Elements of three further individuals were recovered from the fills of a ditch forming part of a D-shaped enclosure (Enclosure A). In addition a possible roundhouse and two possible four-post structures were investigated. The results of the 1996 excavations suggest that the associated settlement was dispersed in

character, probably being represented by discrete enclosures recognisable within the cropmarks. Unusually the 1996 excavations produced evidence for contemporary ironworking, including both smelting (including tap slags, furnace slag and hearth bottoms) in the vicinity of the excavated area, as well as smithing in close proximity to the site. The 1976 project produced a range of material that warrants publication includes 102 sherds of Iron Age pottery, 94 lithics (+ a further 44 from fieldwalking) ranging from Late Mesolithic to Early Bronze Age in date, seven fragments of quern (3 beehive, one Mayen lava quern and three from flat querns) a bone 'weaving comb', and 1,026 fragments of animal bone. In the Discussion Ian Roberts provides useful considerations of: 'chronology and phasing' (four possible phases: Earlier prehistoric on the lithic evidence and cropmarks of four possible round barrows; ?Early/Middle Iron Age – D-shaped Enclosure A and possibly sub-rectangular Enclosure E; Late Iron Age – field system and pits; and second- to third-century Romano-British - ?adaptation of field system); 'The Iron Age field system'; 'settlement and economy'; 'the pits'; and 'the pit burials'. Perhaps the most important elements of the discussion are: the possible decoupling of the pits from the recurrent 'southern-centric' interpretation of them as being for grain storage, although the possibility of a storage function is left open; the discussion of Iron Age burial practice in the context of the evidence from the region; and the consideration of the evidence for structured deposition.

In contrast the Morton Lane, Beverley report considers the results of the excavation of twelfth- to later eighteenth-century deposits outside the presumed line on the eastern defences of the medieval town. The ASWYAS excavations (1999 and 2001) were on the north side of Morton Lane. What is particularly welcome is the inclusion in the volume as an appendix of a report on subsequent work to the south of Morton Lane by Pre-Construct Archaeology (PCA) in 2003-4. The ASWYAS excavations revealed six phases of occupation, with an apparent period of disuse between the mid thirteenth and fifteenth centuries – overall the archaeology is typified by pits and cut features, although in Phases IV and IVa (early to mid thirteenth century) structures and a cambered metalled track were recorded and Phase II (late twelfth century) is dominated by evidence of alleviation. The site produced significant finds assemblages, with pottery (1217 sherds) dominating – the bulk deriving from Area A, the open area closest to Morton Lane. In addition a significant assemblage of ceramic building material (brick and tile), the bulk belonging to Phase VI (fifteenth to seventeenth centuries), although deriving contexts that indicate that it is residual and in quantities that suggest that the building(s) from which it was derived lay beyond the excavated site – the presence of finial tiles suggesting that the source building was of high status. The site also produced eight crudely carved tile discs, a brick weights/net sinkers, a previously unknown (at least in our region) type of flat roof tile, ridge tiles with finial holes that may relate to repairs and a fragment of a flat roof tile with an Agnus Dei seal impression. Non-ceramic finds are dominated by iron objects (80%), with evidence of domestic and household activity being largely confined to objects from the Phase VI pits. In addition a small, but well-preserved animal bone assemblage was recovered, along with pollen, and significant plant macrofossils and macro-invertebrate remains. The Discussion, which takes account of the PCA work to the south, puts the results of the excavation into a site narrative that provides insights into this area of the town, notably the late twelfth or early thirteenth century (Phase III) reclamation of the area, extensive pitting and the possible division of the area into plots

or tenements. The PCA work south of Morton Lane revealed structural remains of late twelfth-century date, succeeded by a short-lived period of inundation that was superseded by further structures and some pitting (Phase II.3/II.4), followed by a break in occupation in the early fourteenth century. In contrast with the ASWYAS site it is possible that occupation resumed during the fourteenth century, at least in the form of boundary ditches, and continued from then until the sixteenth century, with structures built over dumped deposits. A further difference is provided by evidence for structures in the post-medieval period. Small quantities of pottery, ceramic building material, pollen, invertebrate and vertebrate remains are reported on; the report concluding with a discussion that relates the evidence to that from the ASWYAS site and briefly examines it in the context of Beverley as a whole.

The medieval cellar at Pontefract Castle has a fascinating history. Probably originating as a wine cellar in the Norman Period it was extended twice and in the Civil War served as a prison during the 1648-9 siege. The structural history occupies the first half of the volume and is a story clearly told and well-illustrated with excellent plans, sections and photographs. The second half is devoted to the Civil War inscriptions, presumed to have been carved by the Parliamentary prisoners, many of whom had formed the garrison of the castle prior to its fall to the Royalists. Forty-nine inscriptions are recorded, the more complete being illustrated with both line drawings and photographs, others by line drawings alone. The catalogue ends with a fairly lightly incised portrayal of a gallows that serves to emphasise the quality of the photographs – P Gwilliam getting a greatly deserved acknowledgement in the introductory matter for producing consistently good images from what must difficult have been subject matter.

There are minor quibbles with the editing – in the Whitwood volume Stoertz 1997 (p. 22) lacks a page number and did Low Common produce 91 (p. 19) or 98 (p. 17) sherds of medieval pottery? The Ledston report has the lava quern found in 1976 as deriving from the topsoil (p. 19) and also from post-hole 003 (p. 25) – the latter would suggest the possibility of some very small-scale Roman-period, or later, activity within the excavated area, rather than all the limited Roman-period material deriving from a nearby source. In addition the lava quern fragment is not included in the consideration of the evidence for a Roman phase in the Discussion chapter (p. 30). However, it should be emphasised that these minor glitches do not detract from the overall value of the reports.

The Archaeology Services WYAS Publications volumes are all A4 format and staple bound. Illustrations are generally clear, although with a tendency for some detail to be close to being lost on some pottery drawings (eg. Topham Farm Fig. 20 nos. 43a-45). However, the Morton Lane, Beverley report uses a higher quality paper and, possibly, a different printing process which appears to give a better finished result.

Portsmouth

Pete Wilson

ROMAN YORK by Patrick Ottaway(2004) 24.8 x 17.2cm. Pp.160 Figs 86. Tempus Publishing. £17.99. ISBN 0 7524 2916 7

Readers will no doubt be aware that this slim volume is a welcome reissue of the earlier English Heritage / Batsford title of the same name, published in 1993. The author is careful

to note this lineage in the preface, and to outline the differences from the earlier publication. As he says, the publication over the last decade of important reports on the Minster as well as those on the defences and the pottery sequences within York add a welcome precision to his earlier, understandably more cautious, text. The major, and 'unsettling' change is noted here too: the re-dating of the Micklegate bathhouse (p.100) and, more significantly, the defences of the fortress and their multiangular towers, to the early third century. I shall return to this point later. While the decade between the two editions has been useful in adding precision (a nice example of this being the tying up of a graffito on leather found on the General Accident site with a centurial stone erected by Marcus Sollius Julianus on Hadrian's Wall; p.102), there has been less welcome change too. Notably, the decrease in size from the earlier edition which has made the illustrations less easy to read in the new book where plans in particular suffer from over-reduction (e.g. Figure 40b – the plan of Blake Street). Also, the reformatting has resulted inevitably in changes leading to occasional references to non-existent illustrations (e.g. that to plate 18 on p.124). This is minor criticism, and I would rather highlight the author's justified concern (p.22) over the fragmentation of understanding of the city's archaeology that is being brought about by the PPG16 environment so that the explosion of commercially financed excavation is no longer overseen by one organisation. Such developments in British archaeology will, in the future, inevitably hinder synthesis such as is offered in this volume and surely undermine the spirit of the 1979 Archaeological Areas Act which was meant both to protect the complex archaeology of cities like York, and foster greater understanding of their history. Given this background, the author is to be commended for gathering together such a wealth of information and condensing it into a useful and thoughtful synthesis.

In terms of balance, the bulk in the volume lies in the early Roman period, including the newly enhanced sections on the Severan period. Together, these elements now take on an even more dominant role in the narrative (over 100 pages in total, in contrast to the last century of Roman rule which is covered in fewer than 20). In this larger, first part of the book, the new sources of information referred to above come to the fore: the discussion in respect of whether the basilica had arcaded internal colonnades or not, for example raises interesting structural issues about the superstructure of this important building (p.40; at Wroxeter, we pondered the same issues for the baths basilica but there opted for timber lintels rather than arcades). The outlining of the pottery sequences now determined for the fortress and *colonia* is a valuable addition (p.55) and establishes the broad economic outlines of the settlement, a factor picked up later in the discussion of York's notable evidence for foreign settlers and their often exotic religions (p. 105-7; 113-15). This is part of an extensive, and welcome, discussion of the civilian settlement of York that shifts the limelight away from the usually dominant concerns of the military and the layout of the fortress. There is now a range of information on different building types and we are at last reaching an understanding of the range of settlement in the *colonia*. Sections on the ecology and diet of the inhabitants demonstrate the wealth of archaeological data now available to colour our understanding of the settlement.

For those working outside of York, the biggest and most interesting change, however, comes in the re-dating of the fortress wall to the Severan period. The evidence is outlined on p.67ff and can only be presented in a summarised form: this is not, after all, a full technical

report. Nonetheless, the conclusion that the fortress wall dates to this early period with such unusual features is remarkable to say the least. It may be a reflection of the importance placed on the elevation of York to the status of provincial capital and *colonia* at this time but I note that the new catalogue for the Constantine exhibition draws close parallels between the mutliangular towers in York with those of the early fourth century fortress palace of Gamzigrad (*Felix Romuliana*), while stopping short of re-dating the York wall to the late third or early fourth century (Bidwell 2006). While one cannot conjure evidence out of thin air for late Roman York, it is remarkable that the archaeology of the capital of *Britannia Secunda* can be dealt with so briefly. Given the evidence for the increasing wealth of Cirencester due to its role as capital of *Britannia Prima* (Faulkner, in Holbrook 1998, 379-384) it is indeed odd that York does not exhibit a similar pattern, benefiting as it must have done from the location of the provincial administration and army there. If there were any period that deserves more attention, it is surely this latest phase, whose potential magnificence is so aptly celebrated in York City Museums and Art Gallery's exhibition of 2006. Hopefully, by the time a third edition is due, there will be substantially more to say about this valuable and important period in York's history to enhance an otherwise excellent work.

University of Birmingham

Dr Roger White

ROMAN MOSAICS AT HULL (3rd edn.). By D. J. SMITH (revised by M. FOREMAN). 26.5 x 20 cm. Pp 50. Figs. 21 (most in colour). Hull Museums and Art Gallery, 2005. £4.99. ISBN 0904490 34 3 (Pbk).

Those of us interested in Roman Yorkshire are fortunate in that we have the benefit of Hull Museum's wonderful collection of mosaics to hand, a collection all the more remarkable given the relative dearth of highly Romanised sites in our region.

The third edition of this remarkable guide benefits not only from the scholarship of Dr Smith and revisions arising from our developing understanding of the mosaics, but also from excellent colour photographs and eight of Dr David Neal's wonderful *tessera* by *tessera* paintings. For those whose interests take in Roman-period archaeology, and are not fortunate enough to have access to Dr Neal and Stephen Cosh's 'Northern Britain' volume in the *Mosaics of Roman Britain* series (published 2002), this publication, which modestly describes itself as a 'booklet' (p. 6), is an essential purchase. In intent and execution it is far more than a series of descriptions of the mosaics from the villas at Rudston, Brantingham, Horkstow and Harpham displayed in the Hull and East Riding Museum.

It is possible to identify what may perhaps be best described as 'niggles' that arise from a close reading. A site plan is provided for Rudston and is most welcome; unfortunately both the site plan (Fig. 2) and the plan of Building 8 (Fig. 7) are orientated with north towards the bottom corner. This perhaps makes for a neater design, and, in the case of Building 8 provides what is perhaps the ideal view of Dr Neal's painting of the charioteer mosaic that, with its fellows from the building, is superimposed onto the plan. However readers familiar with the site will need to engage in mental gymnastics when using the plans in any consideration of the site! That having been said it might have been better for plans of the structures that contained the mosaics to have been included where possible (Brantingham and Harpham) despite them representing single elements of what would have been more

extensive complexes.

Those considerations aside this is a book about mosaics and with respect to its core subject matter it is difficult to fault it. Going far beyond simple descriptions of the designs we are informed in clear language about the circumstances of discovery, the mythology represented and parallels for the designs. All of this is supported by a glossary that explains any terms used in the text that might be unfamiliar to the reader, as well as incorporating potted 'biographies' of gods represented in the mosaics. In addition there is a very useful bibliography, running to some 85 entries.

The descriptions of the Rudston mosaics, perhaps surprisingly to many readers not familiar with the subject, make several references to parallels with the mosaics of North Africa, as well as the wider Roman world. Examples include: citing the 'stage names' of animals that would have appeared in the amphitheatre; the appearance of the attributes of Bacchus; and the use of motifs such as the 'crescent on a stick' – the symbol of the *venatores Telegeniorum* – a team of animal fighters known from North Africa. While suggesting that the commissioning of such designs by the inhabitants of Roman Yorkshire points to the 'vitality of Roman culture on the northern fringe of the civilised world', the text at the same time keeps our feet very firmly on good Yorkshire soil. The quality of the draughtsmanship of the Venus mosaic is recognised as potentially the work of 'a semi-skilled native British craftsman', as is the likely derivation of the designs 'from copybooks ultimately of African origin', rather than reflecting first hand experience of *Africa Proconsularis*.

Whatever the technical considerations it is difficult not to have warm feelings towards the Rudston Charioteer, the Brantingham 'Tyche' and the other mosaics featured. Debased they may be when compared with the 'high art' of sites in the Mediterranean, but in fourth-century Yorkshire they must have been things of wonder. Even the apparently simple geometric mosaic from Harpham is a thing of beauty. The visual allusion in the mosaic to the Minotaur's labyrinth would have been lost on the tenants of the villa owner. However, if they were allowed anywhere near the room containing the mosaics they must still have been awestruck by what they found under their feet.

The quality of the illustrations has been referred to previously and the production of the text is to a similarly high standard, this makes for an extremely attractive publication at a very modest price.

Portsmouth

Pete Wilson

RIEVAULX ABBEY AND ITS SOCIAL CONTEXT, 1132-1300. MEMORY, LOCALITY AND NETWORKS. By Emilia Jamroziak. Brepols, Medieval Church Studies 8, Turnhout 2005, pp. xii + 252.

Monastic cartularies are among the most plentiful sources for the history of twelfth- and thirteenth-century England. Few high medieval cartularies, however, have been subjected to the detailed scrutiny given to that of Rievaulx Abbey by Emilia Jamroziak. In an insightful and lucid study, Jamroziak examines the ways in which this major Cistercian house related to its patrons, benefactors and neighbours, both lay and ecclesiastical. The Rievaulx cartulary is of particular interest as one of the earlier Cistercian cartularies (dating to the late twelfth

century), and for its organisation of charters by tenurial rather than topographical principles – allowing Jamroziak to draw conclusions about the abbey's early identity and the relative value it placed on particular grants and benefactors.

After providing a broad historiographical context for her research (with particular reference to recent Cistercian studies), Jamroziak explores the Rievaulx community's relationships with different categories of neighbour. After the death of the house's founder, Walter Espec, the abbey did not enjoy close relations with its new patrons, the Ros family. Rievaulx, however, attracted patronage from a wide range of baronial benefactors, and an even greater number of its knightly neighbours. Jamroziak discusses sensitively the nature of the connections between abbey and local aristocracy, showing how lasting social ties were forged by the process and ritualisation of benefaction, the confirmation of others' grants and the witnessing of charters. The regular land disputes faced by the monks are also discussed and placed in the context of wider social and tenurial networks. These themes of mutual support and conflict are then studied in the ecclesiastical sphere, through an examination of Rievaulx's varied contacts with other monasteries and with the ecclesiastical authorities of the northern province.

Throughout the study, Jamroziak brings out well the tension between the abbey's need to create fruitful social ties while preserving its Cistercian character. The early abbots of Rievaulx succeeded in building up a large landed endowment, without allowing the house to fall under the strong influence of any one family. Similarly, the monastery maintained good relations with the archbishops of York and the bishops of Durham, partly through personal contacts and partly through its (apparently pragmatic) reluctance to acquire tithes. Yet Jamroziak sensibly argues for studying Rievaulx in its local context, rather than judging the house by its success or failure to live up to the statutes of the general chapter. Indeed, one of the most interesting conclusions of the book is the author's suggestion that the Yorkshire Cistercians had more in common with their Polish or Silesian equivalents than with French houses, so often taken as the normative yardstick of the order.

This wider geographical perspective is undoubtedly one of the book's greatest strengths, although there is also much of value here for the student of Yorkshire monasteries, topography and social elites. There are of course limitations to what a cartulary can tell us about the history of a monastic community, with the inevitable emphasis on land holding and property disputes; and the relatively small size of the Rievaulx archive sometimes makes it difficult to draw wider conclusions, or test broader hypotheses. The early date of the cartulary also means that this study reveals rather more about the twelfth-century phase of the abbey's development than the consolidation, leasing and purchase of property in the thirteenth century. Nevertheless, Emilia Jamroziak's book demonstrates how fruitful the close study of individual cartularies can be for deepening our understanding of the relations between monasteries and society.

University of Liverpool

Martin Heale

MASS AND PARISH IN LATE MEDIEVAL ENGLAND: THE USE OF YORK. Edited by P.S. Barnwell, Claire Cross and Ann Rycraft. 18.5 cm x 24.5 cm. Pp. 224. Spire Books Ltd., Reading, 2005. Price: £24.95. ISBN 1 904965 02 4.

The Use of York, the liturgical tradition of the pre-Reformation diocese and province of York, is very much the poor relation to the Use of Sarum (or Salisbury), which by 1500 was the dominant liturgy the neighbouring province of Canterbury. Relatively under-studied, the York Use bore testimony to the vibrant regionalisation of the English church before the uniformity imposed with adherence to the Church of England in the sixteenth century.

This volume's sub-title suggests that the balance in liturgical studies may be somewhat redressed by its content, but that does not actually happen. The Use of York only becomes significant in Section 2, as attention focuses on the Requiem Mass in the York rite, culminating in a parallel English and Latin text (pp. 147-71) produced by P.S. Barnwell, Allan B. Barton, and Ann Rycraft. Before that, the same authors give 'An introduction to the Requiem Mass in the Use of York', and John Hawes and Lisa Colton add 'A note on the reconstructed Requiem Mass held at All Saints', North Street, York, on 20 April 2002'. That mass was offered for the prominent York merchant, Nicholas Blackburn, jr. (d. 1448); it provided the stimulus for the talks, which lie behind the articles in Section 1, on 'The Mass and church life in late-medieval York'. These occupy the greater part of the volume, dealing with various aspects of religious practice and organisation within the city. Some of them are outline, but useful, introductions; others more specific case studies. Claire Cross and P.S. Barton begin by putting 'The Mass in its urban setting'. Allan B. Barton offers an introduction to 'The ornaments of the altar and the ministers in Late-Medieval England', dealing primarily with vestments. Lisa Colton briefly examines 'Choral music in York, 1400-1540'. In "Four hundred masses on the four Fridays next after my decease". The care of souls in fifteenth-century All Saints' North Street, York', P.S. Barnwell provides a parish-centred analysis of late medieval 'strategies for eternity', particularly among the laity. Claire Cross then turns to the clergy, to consider 'A York priest and his parish: Thomas Worrall at St Michael, Spurriergate, York, in the early sixteenth century'. She also provides the last article in this section – entitled 'Endings and beginnings' – which deals with the changes of the Reformation, through to the reign of Elizabeth.

This is an interesting volume. Accessibly written, and abundantly illustrated, it certainly works as an introduction to 'mass and parish in late medieval England', especially with its useful pictures of vestments and various stages of the mass (the latter neatly juxtapose modern photographs with illustrations from a sixteenth-century book which tackled such choreographic issues). The focus on York, and on concrete (and extant) parochial and architectural settings, also helps to make it work. It is a real contribution to York's religious history; it should be of wider interest both within and without Yorkshire; it can also be recommended to students as a way into the practicalities of medieval religion.

University of Birmingham

R. N. Swanson

LONDESBOROUGH HOUSE AND ITS COMMUNITY, 1590-1643. By Richard T. Spence, edited by A. Hassell Smith. 30 x 21 cm. Pp 115. Figs 9. Pls 21. East Yorkshire Local History Society, 2005. Price: £10 (inc. p. & p.). ISBN 900349 53 0. Obtainable from A. G. Credland, c/o Hull Maritime Museum, Queen Victoria Square, Hull, HU1 3RA.

On her marriage in the mid fifteenth century to John Clifford, subsequently ninth Baron Clifford, Margaret Bromflete, heir of Henry Bromflete, Lord Vescy, brought Londesborough to the Clifford family. Their patrimony, now stretching from the Humber to the Solway Firth, continued to be administered from Skipton Castle until the last decade of Elizabeth's reign when Lord Francis Clifford, who was managing the estates for his elder brother, George Clifford, third earl of Cumberland, courtier and privateer, decided to settle at Londesborough. Having acquired the East Riding lands from the impoverished third earl in 1588, a year before his marriage to Grissell Hughes, the young widow of Edward Neville, seventh Lord Abergavenny, Francis Clifford immediately began building a grand three storey mansion with a formal pleasure garden, bowling green, orchard, and woods adjoining the Vescy manor house. The family, which until then had been living at Lady Grissell's house at Uxbridge, moved into their new house in 1592. Thirteen years later on the premature death of his brother Francis Clifford succeeded to the title as the fourth earl of Cumberland, and for the next forty years, although the family from time to time resided at Skipton Castle and their other houses in Craven, Westmorland and London, Londesborough remained the chief focus of the estate.

The chance survival of a series wage lists and other papers has made it possible to reconstruct the household which inhabited this house in very considerable detail. In addition to the family, which at various dates in the 1590s consisted of Lord Clifford, his wife and their three children, Lady Clifford's eldest brother Robert Hughes, his wife and their seven children, and the five orphaned nephews and nieces of Lord Clifford's late sister, there were the senior officers, the steward, usher and chamberlain, a chaplain, schoolmaster, professional musicians, gentlewomen attendants, and an array of domestic servants together with numerous out servants called in to perform duties when required. On inheriting the title the new earl needed to recruit even more servants including some of his brother's most experienced officers, and the household doubled in size. While some might spend only a short period in noble service, Lady Grissell's young gentlewomen for a mere two or three years before their marriage, and the kitchen boys and the laundry girls for an equally short time while they learnt a trade, many of the senior officers and more important domestics stayed with the family for the whole of their adult lives.

Richard Spence left this innovatory household study unfinished at his death. It has been revised for publication by A. Hassell Smith, who has also supplied a scholarly introduction.

University of York

Claire Cross

YORK AND THE JACOBITE REBELLION OF 1745. By Jonathan Oates, University of York, Borthwick Paper 107, 2005, pages [iv], 38.

Dr Oates obtained his Ph.D. at Reading University with a thesis on 'Responses in North East England to the Jacobite Rebellions of 1715 and 1745'. This clearly stood him in good stead for writing this Borthwick Paper, as a study of the footnotes reveals. There are no fewer than 254 of them, taking up more than six of the pamphlet's 38 pages, which is surely disproportionate? They cite an impressive range of manuscripts located in Leeds, London, Sheffield and York, as well as numerous printed sources and secondary authorities. This is about as authoritative a text as is likely ever to be published on the subject of York's response to the 'Forty - five.

It also casts light on national concerns. Jacobitism has attracted a great deal of attention in recent years. Many historians claim that it was a significant phenomenon, with considerable support in the country, particularly among the Tories and the lower orders. It has even been maintained that the 1745 Rebellion came near to toppling the Hanoverians from their throne. Certainly the advance of the Young Pretender as far as Derby put the wind up many supporters of the regime. Yet he turned back to Scotland and defeat at Culloden because his best advisers became aware that they were not recruiting enthusiastic supporters as they advanced south.

This study demonstrates that in one local community at least there was overwhelming support for George II among his subjects. The Whigs of course came out for him. But the Tories too demonstrated their loyalty. Even the Catholics did not stir on behalf of 'James III'. Though their political opponents suspected them of disloyalty only a handful of overt Jacobites are known. There were of course those who were thought to be covert upholders of the Stuart cause. Among the usual suspects was Dr John Burton, who made a very suspicious journey to Lancashire at the height of the rebellion. Yet as Oates points out, if he had been a genuine Jacobite he could have joined the Young Pretender's army which made its way down the west side of the country, thereby avoiding York. It has even been suggested recently that the young painter George Stubbs, who was studying anatomy in the city hospital under Burton, might have been a Jacobite too. But that is to attribute guilt by association. Stubbs' true political allegiance is probably demonstrated by his most famous painting, 'Whistlejacket', a horse owned by the marquis of Rockingham, leader of the Whigs in the first years of George III's reign. It has even been claimed that the painting was intended as an equestrian portrait of the king.

York can reasonably be taken as a microcosm of England's provincial towns at the time of the 'Forty-five. In which case Dr Oates has hammered yet another nail in the coffin of the case for Jacobitism having wide support.

W. A. Speck

YORKSHIRE RETURNS OF THE 1851 CENSUS OF RELIGIOUS WORSHIP, volume 2, West Riding (North), edited by John Wolffe, Borthwick Texts and Studies 31, Borthwick Institute, University of York (2005), ISBN 1-904497-10-1, ISSN 0305 8506. Pp. vi + 183;

YORKSHIRE RETURNS OF THE 1851 CENSUS OF RELIGIOUS WORSHIP, volume 3, West Riding (South), edited by John Wolffe, Borthwick Texts and Studies 32, Borthwick Institute, University of York (2005). Pp. vi + 200;

THE RELIGIOUS CENSUS OF 1851 IN YORKSHIRE by John Wolffe, Borthwick Paper 108, Borthwick Institute, University of York (2005) ISSN: 0624-0913, ISBN 1-904497-15-2, 978-1-904497-15-8. Pp. 33.

The 1851 Religious Census has enabled historians to know more about what was happening on the 30th March of that year, at least as regards religious observance, than on any other day in the nineteenth century. As such the Census has been much consulted, although the lack of modern scholarly editions has meant that the information used has often been misleading, and in any case historians have been too apt to view the contemporary pessimism about the results of the Census (first voiced by Horace Mann, who had been responsible for master-minding the Census) as authoritative, leading them to argue that the Census is 'proof' of a decline in religiosity in the Victorian period. John Wolffe's careful work on the Yorkshire returns, published by the Borthwick Institute, continues with the publication of these three volumes. He has previously published the first volume of the Yorkshire returns, relating to the City of York and the East Riding, and that volume contained a thorough introduction to the editorial method used in the two volumes reviewed here which present us with the returns for the West Riding. He has also published a spin-off article which helpfully addresses the historiographical issues raised by the Yorkshire evidence, and which provides us with an extremely thoughtful analysis of the 1851 Census as source material, exposing its limitations and highlighting the possibilities it opens up for historical research. The West Riding material is noteworthy for the large number of returns, nearly 2,000 of them, which is more than for some other entire counties, and thus these volumes give us a mass of evidence relating the date when places of worship were built, the number of sittings, the number of attendees at morning, afternoon and evening services (if offered), and there is often information about endowments. Names and positions of the compiler (or at least signatory) of each return are noted. The returns also provided space for more general 'Remarks', and while the chance to use this was not often taken up, the information that was recorded is often illuminating about religious practice. We learn, for example, that at the Wesleyan Methodist Chapel at Todmorden, the quarterly love feast was held on Census day, and that 'Sunday scholars are not admitted on these occasions'. The Congregational Chapel on High Street, Bradford, was closed on Census day 'on account of it having been painted the previous weeks'. The sheer range of religious denominations and positions on offer in the West Riding in the mid-nineteenth century is also instructive: Adventists, Anglicans, Atheists, Baptists, Benevolent Methodists, Plymouth Brethren, Barkerites, Roman Catholics, Christian Brethren Congregationalists, Baptists, Irvingites, 'Israelites', Jews, Latter-day Saints, Methodists (of various hues), Presbyterians, Quakers and Swedenborgians. While the material in the Census is laid out in a clear fashion, Wolffe might have provided rather more by way of annotation:

it would, for example, not have been difficult to have given the reader basic biographical information on some, if not most, of the individuals mentioned in the text, whether as ministers, or other officials involved with the place of worship concerned. It would have been a nice touch to have included contemporary prints and drawings of at least some of these places of worship (as Mark Smith did in his recent edition of the 1810 surveys of Hampshire). Nevertheless, those interested in the Victorian West Riding will be grateful to Wolffe for giving a definitive edition of the Census results.

His spin-off article, also published by the Borthwick Institute, although naturally focused on the Yorkshire material, is also the most insightful essay to date on the more general significance of the Census, and the methodological issues it raises. As such, it will be of use to scholars working on all areas of the country. Wolffe carefully assesses the strengths and limitations of the Census. Some places of worship did not make it into the Census: perhaps just under 2% of Anglican places, and rather more nonconformist places were missed out, as were chapels in gaols and workhouses, and Sunday Schools with places of worship attached. A few returns went missing. This means that the Census understates the number of attendees in some localities. It is clear, too, that the clerks in London responsible for the number-crunching muddled up similar sounding names place-names. On the other hand, there is evidence that figures were rounded up, and indeed Wolffe suggests that for those returns which were clearly not based on an actual head count the figures might have to be reduced by as much as 20%. He admits that at a national or even regional level these understated and overstated figures probably compensate each other, although he is clear that for any particular locality the returns need to be looked at carefully, and cross-checked with other information. Wolffe addresses three questions which all historians who use the data in the Census need to think about. How typical was Census day; how do the number of individual attendees relate to attendances (since some attended more than once); and what does the Census tell us about broader religious trends in? Wolffe notes that overall attendance was affected by a particularly nasty bout of 'flu in the region, and that it was a rainy day in parts of Yorkshire (both of which stopped people from attending); and in general it was noted that more people would have attended in the summer (but not at Robin Hood's Bay where the fishermen would have been at sea). It is also clear that not everyone would attend every week. Horace Mann dealt with the problem of some people attending a place of worship twice or even three times, by suggesting that to arrive at a figure of how many individuals attended, all attendances at morning service, half those at afternoon service, and a third of those at evening service should be added up. Wolffe indicates that this methodology does not always work for Yorkshire, where sometimes the afternoon service was the most frequently attended service. As for placing the Census within a broader picture of Victorian religiosity Wolffe makes the important point that using it as evidence of religious decline is impossible since we simply do not have comparable sources for earlier periods. But some things can be said. The information concerning the date when a religious place of worship was built demonstrates that the number of places of worship in Yorkshire had tripled during the past fifty years (and the growth of Methodism was particularly impressive, leading it to have more places of worship and more attendees than the established Church by 1851). Wolffe also stresses that some people went to more than one denomination, and that traffic could be particularly fluid between Methodists and Anglicans. All in all he concludes that nineteenth-century Yorkshire was 'more religious' than might have been thought by an

initial viewing of the Census, and Wolffe's conclusion needs to be tested for other areas of the country as well.

University of Manchester

Jeremy Gregory

SHOPS, SHAMBLES AND THE STREET MARKET: RETAILING IN GEORGIAN HULL, 1770 TO 1810. By Ann Bennett. Oblong Creative Ltd.; Wetherby, 2005) ISBN 0 9536574 8 5 pp.163; 70 illustrations, 8 tables.

This fascinating history of retailing in Georgian Hull will be of interest to regional specialists and historians of later eighteenth-century consumption more generally. Ann Bennett combines detailed research into local records with supporting fieldwork in the National Archives and other collections. The resulting book is generously illustrated with seventy images, including rare examples of bill-heads and trade cards.

Commercial directories reveal that the number of shops in Hull increased from 403 in 1791 to 669 by 1810-11. While the overall rate of growth was roughly commensurate with the rise in the number of inhabitants (approximately one shop per fifty persons at both dates), the clothing sector proved more dynamic and grew faster than the population. Data derived from the 1785-6 shop tax (and other sources) reveal that, by the later eighteenth century, a distinct, fashionable retail centre had developed in Hull selling high-value merchandise. These outlets displayed innovation in marketing techniques and the range of products on sale. By the 1790s, London- and Manchester- made goods were commonly advertised: particularly fashionable items, such as high-waisted Grecian-style gowns, Egyptian satins, and Arabian tunics. Newspaper advertisements, trade cards, and handbills indicate that by this time Hull's drapers and tailors were also using commercial travellers to sell in other urban centres. Within Hull itself, the rise of a ready money trade for low marked prices indicates that the clothing trade was a keenly competitive business.

Alongside newer developments, Bennett demonstrates that innovation also occurred in more traditional sectors. Hull had long functioned as a market centre for imported and locally produced groceries. Butter and meat products were shipped to London in large quantities, but significant amounts of these items were retained in the town for local sale. This circumstance helps explain why fish dealers were outnumbered by butchers in Hull. The market for meat was so extensive that it supported the construction of two architecturally elaborate shambles between 1771 and 1807. By the third quarter of the eighteenth century, grocers were operating increasingly diversified businesses. Their stock lists might include items such as gunpowder, shot, and cleaning materials.

Bennett's survey of trading conditions in Hull includes discussion of the influence of economic fluctuations on the fortunes of the town's traders. A short but valuable survey of bankruptcy compares trends in Hull with the rest of the country. The book also presents some useful series of food prices, derived from the Burton Constable household accounts, which indicate that the cost of living increased markedly during the period under examination. Rounding off this beautifully produced volume are biographical profiles of two prominent and wealthy businessmen: William Rust (watchmaker and silversmith) and Thomas Scatcherd (grocer and tea-dealer).

University of York

S.D. Smith

BRADFORD POOR UNION: PAPERS AND CORRESPONDENCE WITH THE POOR LAW COMMISSION, OCTOBER 1834 TO JANUARY 1839. Edited by Paul Carter. 23 x 15 cm. Pp. xlviii + 226. 7 b/w illustrations, 6 line illustrations. YAS Record Series vol. CLVII for 2003. Woodbridge: The Boydell Press, 2004. Price: Hardback £40 (\$80). ISBN 0902122959.

The New Poor Law (Poor Law Amendment Act) of 1834 established a new model of government. Parishes which had, since 1601, been responsible for poor relief were merged into unions of parishes controlled by ratepayer elected boards of guardians. A central authority - the Poor Law Commission, later (1847) the Poor Law Board, then (1871) the Local Government Board, and finally (1918-1929) the Ministry of Health - was established in Whitehall. Its task was to introduce uniformity of poor relief practice, particularly the restriction of outdoor relief, throughout England and Wales, using Assistant Commissioners (later Inspectors) to set up unions, visit them and advise upon best practice.

Correspondence between the central and the local authorities was, and is, crucial to an understanding of how this system functioned. It led to the growth of massive files of correspondence between centre and locality, all of it preserved in chronological order and listed alphabetically by union in Series MH 12/ at the Public Record Office - now called, for some obscure reason, the National Archives, at Kew. Paul Carter, from the National Archives, has accurately reproduced in this volume the contents of just one file, MH12/14720, which contains the correspondence between the new Poor Law Commission, the Bradford (Yorkshire) Board of Guardians and others in the town and its vicinity with concerns about the administration of the new legislation. The period covered by the file, October 1834 to January 1839, was a key one in the history of the New Poor Law, as the West Riding was the epicentre of a furious resistance to its implementation. This erupted in Bradford when an unfortunate Assistant Commissioner, Alfred Power, came to establish the new union in 1837.

Opposition came from two directions. Tories like Richard Oastler, the factory reformer, and the Reverend G. S. Bull, an Anglican parson from Bierley, a parish in the proposed Bradford Union, furiously attacked the new system which they saw as oppressing the poor and interfering with the traditional methods of parochial poor relief. Many parish officers shared their dislike of the new system, feeling that there was no necessity for it in the industrial areas of northern England, where relief had been efficiently organised in contrast to the "Speenhamland" counties of the south and east. At the other end of the political spectrum were working class leaders such as Bradford's Peter Bussey, using their influence in the town's radical movement to arouse popular opposition to the New Poor Law with speeches, leaflets and demonstrations. This culminated in a riot in November 1837 when the new Board of Guardians attempted to meet. Alfred Power and his servant were assaulted and a troop of cavalry had to be summoned to restore order. Accounts of these dramatic events, as witnessed by a number of correspondents including Alfred Power and the clerk to the Bradford Union, John Reid Wagstaff, occupy a large section of this collection and make fascinating reading, especially for anyone interested in the state of law and order in the early-Victorian town. Other letters cover the election of the new board of guardians, and queries about the relationship between the old system of overseers and churchwardens and the new board of guardians. These illuminate the intricate minutiae of early nineteenth century local

government in a way which no secondary source can adequately convey.

Paul Carter prefaces the documentary material with an excellent 48 page Introduction, setting it in the context of the development of English poor relief since 1601, and of the social and economic growth of early nineteenth century Bradford. The reader comes well prepared to the complexity of the documentary material. Local historians will find much of interest here, whilst even a single volume of MHI2/ during this disturbed period should provide the basis of an A-Level topic or even an undergraduate dissertation. Those wishing to delve further into the English poor law will find it a useful introduction to the MHI2/ series before having to journey to Kew and dig out the relevant volumes. As the editor points out, there is no useable index. The researcher has to work through many volumes to discover nuggets of historical gold like those displayed in this volume. The early volumes, in my experience, tend to contain the most interesting material. As one burrows on, the volumes become heavier (and dustier) but contain a great many rather repetitive, official forms and returns. Bureaucracy's dead hand becomes ever more apparent.

This is a very well produced book which will generate interest in poor law studies, an area which few local historians can avoid encountering at some point in their work. It may encourage some to delve into the massive MHI2/series. Those who do should go wearing suitable clothing. A cloud of dust will rise from each, hitherto unopened, box.

University of Manchester

Michael E. Rose

All communications about the editorial side of the **Journal** should be addressed to either, the Hon. Archaeology Editor, Jill Wilson, 331 Havant Road, Farlington, Portsmouth, PO6 1DD (Tel. 02392-370649, e-mail pandjwilson@btopenworld.com), or the Hon. History Editor, Edward Royle, 77 Heworth Green, York, YO31 7TL (Tel. 01904-423009, e-mail eroyle@eroyle77.freerve.co.uk.) Contributions should be prepared in accordance with the Society's Notes for Contributors. A printed copy of these may be had from the Editors, who will be happy to discuss informally any proposed article on the archaeology or history of the historic County of Yorkshire at any period. The Notes for contributors are also available on the Society's website.

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